

MEXICO: THE UPRISING IN CHIAPAS AND DEMOCRATIZATION IN MEXICO

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Mexico: The Uprising in Chiapas and...

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
THE WESTERN HEMISPHERE
OF THE
COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS

SECOND SESSION

FEBRUARY 2, 1994

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MEXICO: THE UPRISING IN CHIAPAS AND DEMOCRATIZATION IN MEXICO

WEDNESDAY, FEBRUARY 2, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to call, at 2:09 p.m. in room 2172, Rayburn House Office Building, Hon. Robert G. Torricelli (chairman of the subcommittee) presiding.

Mr. TORRICELLI. The subcommittee will please come to order.

The violence that erupted in Chiapas, Mexico on New Years Day has raised several pressing questions about U.S. policy and our relationship with Mexico, as well as larger issues about the treatment of indigenous peoples by the Mexican Government. Today this subcommittee will consider testimony from a variety of people with different perspectives on each of those issues.

Events in Mexico would always be important to the U.S.. History and geography require that they always be central to our attention. The North American Free Trade Agreement has significantly altered what was always an important relationship. The United States, by entering into this agreement with Mexico, has encouraged our people, our companies, our investors to have confidence in Mexico, not simply as a location for economic growth, but also of political stability.

What happened in Chiapas raises questions about whether, when Mexico City and Washington were planning on economic union, the people of Mexico did not feel that they were left behind. Indeed it begs the question, which has not been answered for a long time in Mexico City and in Washington as economic reform continued in Mexico, when would political reform begin?

There are those who will wonder about the rights of the United States to be asking questions about political reform in Mexico. Indeed in this time, all peoples, I trust, have come to understand that basic issues of human rights now transcend all national borders, that it is the right, indeed the responsibility of all free peoples to ask basic questions about the recognition of rights of others in different political entities.

But indeed, even if some resist in recognizing that right, when the North American Free Trade Agreement was agreed upon, clearly we entered into a different relationship. We have not simply that right but, more importantly, the responsibility for the interests of our investors and indeed of our larger national concerns to inquire about the political stability of our new partner.

If this uprising is a precursor to a long period of instability, then it will have an impact on the United States in economic and larger security terms. American businesses need to know and the U.S. Government must understand the nature of this uprising and what it holds for the future.

Unfortunately, there is still a great deal about this rebellion in Chiapas that we do not know. We know that a group of approximately 2,000 armed rebels declared war on the Government of Mexico itself. They claim their aim is to address human rights abuses, discrimination, and an appalling lack of opportunity for the indigenous peoples who constitute 30 percent of Mexicans's population.

The initial attack, not coincidentally, occurred on the official date of entry of Mexico into the North American Free Trade Agreement. We also know that in Chiapas, these people are astonishingly poor. Only 67 percent of the households in Chiapas have electricity. Only 41 percent have access to sewers and only 58 percent have access to running water.

Among the states in Mexico, Chiapas is last in several categories of educational opportunity and achievement. Only 71 percent of children under the age of 14 attend school at all and only 70 percent of the people over 14 can read. We know that Chiapas has a dismal history of human rights abuses. In 1993 alone, there were at least three documented cases of arbitrary arrests and torture in Indian villages.

We know the indigenous peoples in Chiapas have suffered as ranches in the region have expanded, often stealing the land of local indigenous people. These things occurred with the tacit support of the Mexico Government and largely without the appeal of additional opportunity.

The central questions we will be asking today are how bad these conditions in Mexico continue to be, how widespread the unrest is at this moment, and what the U.S. Government should be doing to encourage the process of reform and reconciliation. We will at the outset be asking these questions of two representatives of the Clinton administration, two residents of Chiapas, a panel of human rights investigators and Congressman Joseph Kennedy, who recently traveled to Chiapas. We will also have a particular focus on human rights.

Amnesty International and America's Watch recently sent teams to Chiapas to investigate human rights abuses. They will both be with us today. They will, I trust, be reporting to us on what are now confirmed reports that entire villages were rounded up, many people beaten and many others tortured. While gross violations of human rights appear to have subsided, investigations continue. We hope to learn something about those investigations today.

For all the things, therefore, that this hearing represents and that which we do know, there is one thing that it does not represent and one thing that we do not know. This does not represent an attempt by some of us who oppose the North American Free Trade Agreement to renew the debate about its enactment.

The United States has entered into this agreement. We all have a responsibility to make it work. It is a judgment that has been made. The treaty, however, in its provisions provides that either

nation can leave. While I trust that this country will remain in the North American Free Trade Agreement and find it in our economic and political interests to do so, I think the record is clear that the United States as a defender of human rights and a believer in pluralist government will not allow its good name or reputation to be used in a relationship with other governments that do not recognize some basic level of human rights and permit an evolving system of political pluralism, and basic democratic government.

All of us hope and trust that that standard will not be violated because of our entry in the North American Free Trade Agreement. We all hope and trust the agreement can go forward and the debate can be closed. But indeed, as events in Chiapas have shaken confidence in Mexico City, they have gotten more than a little attention in Washington as well. This hearing is a beginning of that debate, not a debate about entry into NAFTA, but the beginning of a long and continuing debate, for as long as there is a North American Free Trade Agreement, about whether or not it is consistent with our basic values and continues to serve our national interest.

[The prepared statement of Mr. Torricelli appears in the appendix.]

Mr. Smith, would you like to make an opening comment?

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee and distinguished panel members, 1 month ago, the newspaper, television and radio stories were aglow and filled with stories about the violence in southern Mexico, in Chiapas.

As we watched, it became evident that the events would demand a response by the Mexican Government. Sadly, the military response chosen by the Mexican authorities was harsh, deadly, overwhelming and inappropriate. The violent reaction by the thousands of troops left an unknown death toll. Whether the violence was perpetrated by the guerrillas or the army, the reported torture and executions must be vigorously investigated.

The stain of bloodshed will not fade easily, but represents the grim consequence of neglect by authorities in recent decades. The State of Chiapas is one of the poorest states in Mexico and tens of thousands have been denied the constitutional and legal rights they deserve.

Mr. Chairman, while in no way condoning the violence that has been used by the guerrillas, there are legitimate grievances underlying the uprising. Several years ago, it was first brought to my attention that human rights abuses and discrimination due to religious beliefs had led to the expulsion of thousands of families.

I met with Jorge Carpizo, then head of the National Commission for Human Rights, and brought to his attention my deep concerns about these expulsions and a plea for justice and fairness.

In response to additional information that we provided to the commission and to the President last September, we received an interesting response from the commission dated December 14, 1993. The commission acknowledges that "during the investigation [of the complaints about violation of human rights, particularly of religious freedom], we discovered our limited competence . . . There exists a conviction to maintain an open and participative discussion

through which we can find pertinent solutions for the problem." Talk and dialog, but very little action.

Unfortunately, violence had to serve, it seems, as the catalyst for the highest levels of the Mexico Government to commit publicly to true reform in Chiapas.

I have read with interest the variety of political appointments made to help mediate the issues which came to light by the Chiapas uprising. I hope and pray that such political changes reflect a new-found political will to implement the promises that have been made. Many grievances can be accommodated through the enforcement of the law as it is currently written.

Opening the political space in these critical months prior to the August election would indicate the government's resolve to reform. Finally, I agree, Mr. Chairman, with the statement made recently by the Commissioner for Peace and Reconciliation, Manuel Camacho. He said, "We either settle the problem in Chiapas correctly, promptly, seriously, and honestly, or a conflict bringing only destruction, greater poverty, and isolation will take root. There are no middle-of-the-road points here."

This hearing will let us gain insights into the problem, Mr. Chairman. I thank you for calling the hearing to decide what our course ought to be, to try to lay out the facts as they exist, and then move on from there.

Thank you. I look forward to our distinguished witnesses.

Mr. TORRICELLI. Mr. Menendez, do you have an opening comment?

Mr. MENENDEZ. No, thank you, Mr. Chairman.

Mr. TORRICELLI. Mr. Kennedy, welcome. Thank you for being with us today. The subcommittee would like to receive your testimony about your visit to Chiapas, your thoughts and impressions.

STATEMENT OF HON. JOSEPH P. KENNEDY II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you very much, Mr. Chairman. I thank other members of the subcommittee for the opportunity to come and testify before you on a very, very important issue to the people of Mexico and for all those who are concerned about human rights and the democratic process.

I particularly want to say what a delight it is to be here with Secretary Watson and my good friend, John Shattuck, who has done yeoman's work in the promotion of human rights throughout the world. I also want to thank Juan Mendez and others who have been involved in this process, and I want to thank the members of the subcommittee for their willingness to listen to my thoughts after returning from Chiapas just about 10 days ago.

I had an opportunity while visiting Mexico on a mission to involve many of the high tech companies from our country in the environmental cleanup that Mexico has committed itself to, and to meet with President Salinas as well as the Foreign Minister Manuel Tello to discuss with them the events that had taken place and obviously had gripped the entire nation of Mexico as a result of the unrest in Chiapas.

I was struck, Mr. Chairman—I might ask that my entire statement be put into the record.

Mr. TORRICELLI. Without objection.

Mr. KENNEDY. I will just talk to you about what some of my observations were. First and foremost, in the meetings I had with both President Salinas and the Foreign Minister, I was struck by the fact that this was one of the first instances that I had ever seen a head of State as well as the Foreign Minister of a nation not go into a period of denial about the kind of circumstances that led to the unrest in Chiapas. There was no attempt by President Salinas or the Foreign Minister to in any way sweep the importance of the issues under the rug.

There was a great deal of questioning as to what brought on the sort of catalytic event that must have taken place to bring on the unrest. There was a recognition that this was a very, very poor part of Mexico, that there were many people, particularly the indigent people of the area, who had been denied many of the basic human rights over a period of many, many years going back to even hundreds of years. This was an area that the President indicated he had personally ordered about \$50 million, I believe was the figure he used, in additional aid to be pumped into Chiapas, but had indicated as well that there were very serious problems in making sure that that aid got out to the poorest people, that in fact much of the aid that had been pumped into that region had perhaps been utilized by those that had been functionaries, maybe, of the party or perhaps of the government, but not the poorest people in the region that desperately needed the help.

I was encouraged by both the President and the Foreign Minister as well as Jorge Madrazo, who is the head of the National Human Rights Commission, to go ahead and make the visit, unrestricted, to meet with whomever I chose and to try and get a sense of what brought these events to take place.

I had an opportunity to visit a very small village in the middle of the state of Chiapas, a village called Altamirano, where there was a great deal of military activity and Zapatista activity that had taken place in the conflict. In that hospital, nuns had taken care of both government troops as well as Zapatistas.

By the time I got there, the wounded troops had been removed, but there was a great deal of military activity in the town. What was more striking than any other event was visiting with two young Indian girls, perhaps 18 or 20 years of age, that were being fed intravenously.

I asked the nun who was taking care of them what the problem was. She indicated that they were extremely malnourished. It gives you a sense of the kinds of poverty that exists in that State, that a part of Mexico that is extremely beautiful, has a wonderful agricultural base, that throughout the entire many, many hours of driving through the region saw literally thousands upon thousands of farms that anybody in such a rich agricultural region could be suffering from malnutrition was completely counterintuitive to the kinds of conditions that we saw.

I met later in the day at a refugee camp with a gentleman perhaps 40 or 45 years of age and his two sons. He had been beaten very severely by government troops in an area that the U.S. Government Embassy officials had told me there had been no fighting.

The fact is that this fellow had lost his home, had lost his store, had lost his life savings, was beaten severely, held in prison for 4 days, and felt that his only crime was that he was a participant in a group that was organized by the Catholic Church that someone had designated in some way of being subversive.

I must say, he had been interviewed extensively by the many human rights nongovernmental organization within the Chiapas State a week or so after the events took place, many of which were in fact doing a tremendous amount of work and trying to find the particular cases of human rights abuses, that there was some suspicion might have been covered up.

A word about the Human Rights Commission itself: I was critical of the Human Rights Commission that is charged with the issue of looking into any human rights abuses. The Human Rights Commission is paid for with government funds. It has restrictions in terms of its ability to prosecute members of the armed forces.

It can only look at cases that are brought to it. If it hears about a case, it cannot go out and find out about a new case that they might have heard about, only complaints where someone actually comes forward. So the whole question of intimidation and the like is certainly one that needs to be looked at.

What I will say is that this is a very, very rich part of the Mexican country. It is an area very wealthy in natural resources. I am told that it is a land that is thought to be rich in oil and other minerals and yet the lack of economic development that is taking place in that part of the country is truly astounding.

The sense that we have—and I will finish right up, Mr. Chairman—the sense that we have or that I gained after visiting the region is that there really is a second-class citizenship for the indigenous people.

To tell you the truth, Mr. Chairman, it reminded me much of what takes place with our Indians in American. Anyone who takes the time to visit at Indian reservation and see the squalor and poverty and lack of attention our own Indians get here can identify very readily with the kinds of circumstances that the people of the Chiapas state are suffering from.

Again, I don't feel in any way this is a circumstance that can be equated with China or South Africa of a couple of years ago and other circumstances where there are gross human rights abuses that are sanctioned by the government. I think that this is a government that has made a very strong commitment to try to understand what went wrong, to try to deal with the underlying problems that pertain to human rights abuses, inadequacy of the judicial system, and most fundamental is the fact that the democratic process simply is not working.

[The prepared statement of Mr. Kennedy appears in the appendix.]

Mr. TORRICELLI. Thank you very much for your statement. More than that, thank you for taking the initiative to go to Chiapas and get there so quickly. That is not only a service to the institution, but in fact the country.

At this point, you are the only eyes and ears that shared this experience, and for that, we are very grateful.

Mr. KENNEDY. Thank you, Mr. Chairman.

Mr. TORRICELLI. The abuse of an individual through torture or false imprisonment and the denial of the opportunity of self-governance may be human rights abuses of a different magnitude, but they are both human rights abuses.

You spoke to the former in your own belief that I share, that President Salinas would not sanction or be a part of the abuse of an individual, but indeed the reality is that there has been precious little progress in providing pluralist democracy to many people in Mexico and most especially to the poor and the indigenous peoples.

The relationship between Members of this Congress and the Salinas government for the last 4 years have been almost a continuing lecture on our perceived inability to have genuine economic progress without some similar at least minimalist political progress at the same time. The Mexican Government has clearly resisted that notion.

Did you, from your conversations, get any impression that the sacrifice of this fighting and loss of these lives has at least made an impression upon the government in Mexico City that the time has come to make some concurrent political reforms?

Mr. KENNEDY. I think there is no question in my mind, Mr. Chairman, that this is a very different set of circumstances. This is a very different Mexico. I have visited Mexico many, many times over the course of the last 20 to 25 years. I have seen small revolutions take place in Mexico 20 or 25 years ago that had in no way the same resonance that the Chiapas uprising struck across that nation. I think that there was, as a result of the NAFTA debate, a general sense that Mexico had come of age economically.

The reason why this situation has so shaken that nation is because there is a recognition that the one-party system has fallen short of the notion that every vote counts and that every individual makes a difference. So I have a sense that this is a moment of real challenge for the Mexican Government as to whether or not the kind of reform, particularly for the indigenous people not just in Chiapas but throughout the country, are going to be able to come forward.

I do think that we should make clear, Mr. Chairman, that while legitimate in terms of our interest in a neighboring country that is populated by tens of millions of people that have many relatives here in the United States, that has tremendous cultural ties to this country, is obviously a legitimate question.

I do think that we ought to make certain that we do not cross the line into trying to equate the Mexican Government with some kind of sort of falsified notion of a benevolent dictatorship. I do not believe that that is the current situation in Mexico. I think that this is a democracy that is in the process of developing, that this is a flash point in that development and it is a challenge point in that development, and it needs to be aired out publicly, most importantly, by the Mexican people.

If the Mexican people choose to take this as a challenge to reform the system and allow a true plurality and true democratic reforms, I think it will have been a very important reform development in the history of Mexico.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. I have no questions. Thank you.

Mr. TORRICELLI. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you for appearing. How widespread would you say the support or lack of support for this movement has been throughout the rest of Mexico, other people you spoke with or whom you met?

Mr. KENNEDY. If you talk with some of the intellectual leaders of Mexico, Carlos Fuentes, for example, the fact that there is a resonance of this issue throughout the nation—to the exact support of the Zapatista movement, I think there was some question as to exactly what the Zapatistas were trying to accomplish other than a general state of improvement in the judicial system and an improvement in the economic system as it particularly relates to the indigenous people.

I think the reason, as I mentioned, that it has had such a tremendous impact on the country is that it has become a symbol for the lack of a sense that Mexico has of its own self in terms of the international community's view of Mexican democracy. That is where I think the real challenge comes into effect.

I have not taken any polls, so I cannot tell you what the poll numbers show, but I think that this is very, very critical and it is the only issue that people in Mexico seem to be talking about.

Ms. ROS-LEHTINEN. Also, there are some who state that some individuals have used the indigenous people for their own political gain, that the people who have furthered this revolt are not really the leaders of the indigenous people but actually disenfranchised folks from the PRI party or from other political parties, and they have used a community to further their own political agenda.

How widespread is that believed and do you place any credibility in it?

Mr. KENNEDY. You know, I asked Carlos Fuentes about that. He said, listen, in your own revolution in the United States, do you really think that George Washington wrote all his own speeches? Do you really think that perhaps in any of the particular revolutions in any particular fight like this, that there really is just one person of the indigenous people who is in direct control of all the events.

The fact is, the reason why it is so important is because it has brought so many people together. That is where I think those that choose to suggest that this is—I mean, we heard everything from this being financially supported by drug lords to those that said that it could be people from Guatemala, it could be people from Cuba. We heard every different excuse possible.

Nobody in the government was buying that. People were wondering who in fact might have triggered the revolution, but nobody was trying to suggest that anything other than the real economic situation and lack of judicial integrity of the system was ultimately responsible. So I think those were considered to be excuses that tend to get away from the central point.

Ms. ROS-LEHTINEN. As you know, the State Department just very recently released their report on the human rights violations of many countries, and certainly Mexico's historical human rights abuses have gotten a lot of attention, especially as a result of this revolt.

Until your discussions with Mexico's leaders, how seriously do we take these reports? We will be hearing later from the American Watch and other human rights groups. How seriously do you perceive the government is going to try to reform the system?

Mr. KENNEDY. That is an excellent question. I think that the Mexican Government is extremely concerned about their international reputation. There is a country that is looking to attract a great deal of investments and economic development in the next few years. I think that they want very seriously to avoid those kind of charges.

I am concerned, again, that we are viewed—and I know that Chairman Torricelli would never condone a hearing nor would any other members of the subcommittee, condone an effort to simply try to use this as an attempt to give Mexico a black eye.

I can imagine that if in fact another country were looking at the riots in Los Angeles, were looking at some police brutality cases that have taken place around our country, would look at the Rodney King episode and the like and try and suggest that our system perhaps is not all that it is made out to be as well.

I don't try to equate the two, but I do pose it as an issue that we should all be concerned about, that none of us are in a position where we are so above these kind of difficulties that we can be very quick to cast a stone. That is not to suggest that there are not problems in Mexico. There are problems in Mexico.

What I am trying to suggest is that I do think that the government has submitted itself to a program of trying to get at those causes. I think it is entirely appropriate for this subcommittee and for others to make certain that those kind of programs stay on track.

Mr. TORRICELLI. Mr. Oberstar.

Mr. OBERSTAR. I want to thank our colleague for his testimony today. Joe, you made a very compelling, very clearly thought-through statement and personal assessment of the situation in Chiapas. Your sensitivity to the human dimension and the human impact of the current state of affairs against the long history of Mexico from its revolution, I think, is a great testimonial to your personal commitment and your long-term association with this issue in Mexico and in this region.

Mr. KENNEDY. Thank you, Mr. Oberstar.

Mr. OBERSTAR. It reminds me that the uprising, the underlying factors that drove the Zapatista movement, reminds me very much of what characterizes Central America through El Salvador, Nicaragua, Guatemala, over the past 20 years of demands for lands reform, economic justice, relief of human and social misery.

What is different in your analysis from that of other delegations, including one that I participated in in El Salvador? Is your appeal for caution in taking action against Mexico? You say, as a friend and neighbor, we have an obligation to offer constructive criticism and to support efforts in different ways, whether it be wise for us to encourage Mexico to move along the path to meaningful reform, meaning new social and economic justice for the people of that region.

Mr. KENNEDY. I think, Mr. Oberstar, that you are really getting at the heart of it here and that is: What is the appropriate role of

the United States? My sense is that the United States plays a very, very important role in the overall economic and social development of Mexico.

Mr. Torricelli has alluded to the fact that in many countries, that hope for democracy there has been, and I think this is true in Mexico as well, has been a siphoning off of resources to a very few individuals at the top. There is obviously a very well-developed upper middle-class in Mexico.

As to how well a real middle class has developed, I think is something that needs to be openly debated. I think the United States, as a friend of Mexico, has a right to participate in that debate as Mexicans have a right to participate in debates of America. We share not only a long border, but we also share a great many people. I think there is a whole range of issues that pertain to development in California and Texas and other States along that border that have a direct impact and give legitimacy to our concerns that perhaps no other nation has.

Specifically, I think that there are going to be a number of reforms that are going to need to take place in terms of the overall economic development of the Chiapas state. I think there has to be an oversight over the human rights abuses that have taken place.

I think you are going to be hearing from many of the NGO's that are doing their work. The people involved in those organizations really are doing the Lord's work down there. It is fantastic. You have to just thank these people for the conditions they live in and the circumstances they work in. They are going to make some recommendations. I have tried to make some with regard to how the Human Rights Commission is formed.

Others will make recommendations that we cannot, obviously, impose on the Mexicans, but I think it is legitimate for us to discuss the terms and conditions under which elections are being held. If there is a sense that the election process needs some reforms, then I think it is legitimate for the international press, for Mexican writers to write in our press for us to have a sense of what the flash points are for that debate. I think that we can be involved in those discussions.

The Mexicans are very resistant to having international observers at their elections but perhaps there can be some halfway point of having nongovernmental officials looking after the election process. I think these are the kinds of things that need to take place.

In addition, I suggest we get some U.S. companies to go down there and look at the development of not only environmental resources, but look at the development of the Chiapas state if there is oil and gold and other resources that can be developed. There is a tremendous amount of hydropower. They export 90 percent of the power that goes to the rest of Mexico and they cannot even get 15 or 20 percent of their state electrified.

There are some issues like that that I just think if we in fact had had more open discussions about what is going on, I think that the Mexicans themselves would probably do everything in their power to take care of the problems.

Mr. OBERSTAR. Mr. Chairman, the gentleman's eloquence has used up my time.

Mr. KENNEDY. I am sorry.

Mr. TORRICELLI. Joe, thank you again. First, let me assure you that it has never been our intention to in any way damage the good name and the reputation of Mexico. Several of us here understand what it is like to be criticized unfairly from abroad. We live in New Jersey. We are fully sensitive to that, but simply as one with a common future to assure that our interest and their's is secure.

Finally, it occurred to me in listening to you that 30 years ago, a great U.S. Senator in visiting Latin America observed that those who make progress impossible make revolution inevitable. That was not intended as a threat in 1965 but simply as a fair and honest observation to friends.

In our own way, just as Bernard Shaw and then Senator Kennedy said those words 30 years ago, in our own way we do so again today as friends in a fair observation.

Mr. KENNEDY. Mr. Chairman, I very much understand the motivations that you have in conducting this hearing. I think that you have done tremendous work in your career in the Congress in trying to make certain that not only does the world enjoy some kind of economic development, but that the world is held responsible for social development as well.

Whenever you do that, you are going to be criticized. I know that. I guess what I was trying to do is to suggest that this subcommittee be sophisticated enough under your leadership to recognize the difference between the situations that have taken place, that this subcommittee has done tremendous work under your guidance in delving into issues pertaining to places like El Salvador, Nicaragua, and other countries that have extremely significant human rights abuse problems and a tremendous amount of lack of democracy versus Mexico, which I just don't think is in the same circumstances.

That certainly does not mean that we all don't have a responsibility to look into these issues and to try to be a helpful and constructive force. That had always been a part of your career. That is a part of what this subcommittee is all about. It is certainly within that spirit that I asked to come and testimony. I appreciate the opportunity to do it.

Mr. TORRICELLI. Thank you.

Mr. TORRICELLI. At this point, the subcommittee will hear from Ambassador Alexander Watson, Assistant Secretary of State for Inter-American Affairs, Department of State; the Honorable John Shattuck, Assistant Secretary of State for Human Rights and Humanitarian Affairs, Department of State. Please come forward.

Your testimony will be entered into the record, without objection at this point, in its entirety. We invite you, Mr. Watson, to present a summary of your testimony.

STATEMENT OF AMBASSADOR ALEXANDER F. WATSON, ASSISTANT SECRETARY OF STATE FOR INTER-AMERICAN AFFAIRS, DEPARTMENT OF STATE

Mr. WATSON. Thank you very much, Mr. Chairman. I really appreciate this opportunity to appear before you again today to discuss the implications of the recent events in Chiapas for United States-Mexican relations.

I would like to begin my testimony by underscoring the fact that, never before, has the United States enjoyed better relations with Mexico. The North American Free Trade Agreement symbolizes the coming of age of an often complicated and strained partnership. The end of the cold war, dramatic transformations in Mexican economic policy, significant liberalization of the Mexican political system, and our own growing awareness of the importance of Mexico and Latin America to U.S. National interests have combined to bring us together on fundamental issues.

I would like to highlight, Mr. Chairman, that improved relations with Mexico parallel a fundamental change in our overall relations with Latin America. Latin America is the only region in the developing world where all the countries, save Cuba, are being governed by popularly elected leaders.

After a difficult decade of economic reversals, the region has implemented far-reaching political and economic reforms that have contributed to an economic upturn that has attracted investors worldwide. Mexico has led the way on many of these initiatives and we are confident that the implementation of NAFTA will open up further opportunities for investment, while adding to our capacity to export to its growing domestic market.

At the same time, the uprising in Chiapas illustrates the serious challenges Mexico and other countries in the region face in addressing the still unresolved issues of poverty and lack of opportunity for important sectors of society.

The legitimate grievances of the people of southern Mexico were neither caused by NAFTA, nor should NAFTA be in any way compromised by these developments. Indeed, the events in Chiapas demonstrated more clearly than ever the need for NAFTA. With NAFTA, Mexico will continue on the path of free-market reform, providing the private sector with strong incentives to energize the country's economy and attract foreign investment. With NAFTA, Mexico will be drawn more into the Western community of nations, one in which free-market reforms are closely linked with the political legitimacy that stems from open, free and democratic politics.

Let me return to the Chiapas uprising. On the first of January, a group of armed insurgents of the self-proclaimed Zapatista army of National Liberation, or EZLN by its Spanish acronym, launched attacks on four municipalities in the southern Mexican state of Chiapas. Government offices were seized, records and property destroyed, prisons stormed and prisoners released.

First reports out of Mexico suggested that, while many of the fighters were drawn from local Indian groups, the leadership may have come from Mexico City or from outside Mexico, particularly the guerrilla groups in neighboring Guatemala. It appears, however, that there were no organic ties with any foreign group or movement. The Mexican Government, which has been a prime facilitator of the peace process in Guatemala, concluded that there were no links between the EZLN and the Guatemalan URNG.

The Mexican Government's initial hesitation to counterattack the rebel offensive was followed by a firm response to the uprising. By January 5, the Mexican army had reestablished control of the municipalities attacked on New Year's Day. Some human rights

abuses may have occurred in connection with the retaking of these municipalities.

The insurgents took several hostages, including a former governor of Chiapas, and retreated to remote hamlets and rural areas. Security forces pursued them with helicopter gunships and other aircraft, strafing and firing rockets at suspected rebel positions. It was during this period of stepped-up military action that other human rights abuses are reported to have occurred.

Our Embassy moved quickly in response to the events in Chiapas. Embassy personnel arrived in San Cristobal and the state capital Tuxtla Gutierrez on January 2, the day after the beginning of the uprising, to provide assistance to the U.S. citizens in the area and assess the unfolding developments.

Our Embassy in Mexico City had conveyed to the highest levels of the Mexican Government our concern for the security situation in the region, and in particular for the potential for human rights abuses, prior to the initial press reports of possible human rights violations. During the course of many contacts, we noted the importance of attempting to establish a peaceful dialogue with the rebels.

The Mexican Government has subsequently assured us that it will investigate fully all charges of human rights abuses, prosecute those suspected of committing abuses, and punish those found guilty.

On January 6, President Salinas gave instructions to the government's authorities operating in Chiapas "to respect the human rights of the civilian population and guarantee the work of the mass media."

On January 10, he called for a peaceful solution to the crisis in Chiapas and on January 12 ordered an immediate and unilateral cease-fire by security forces. He further promised to grant amnesty to rebels who put down their arms. His call for dramatic changes was reinforced by changes in the composition of his cabinet. He named then Attorney General Carpizo, former head of Mexico's Human Rights Commission and a man widely known for his commitment to human rights and democratic reforms, to be Minister of Interior.

Foreign Minister Manuel Camacho Solis, a man who had won widespread praise for his adept stewardship of the mayoralty of Mexico city and his skills as a negotiator, was named to serve as Commissioner for Peace and Reconciliation.

At the same time, the head of the autonomous and highly credible National Commission for Human Rights, known as the CNDH by its Spanish acronym, Jorge Madrazo, was sent to investigate possible human rights abuses. Under the terms of the cease-fire, Mexican security forces were ordered not to seek out and engage EZLN insurgents, but to employ force only if attacked or if civilians were threatened.

President Salinas conceded that the Federal Government had failed to address many of the social grievances of the inhabitants of southern Mexico, despite increased expenditures on social welfare. He ordered the Secretary for Social Development to travel to Chiapas and begin consultation with local leaders on Federal support for regional needs.

A resolution of the broader problems in Chiapas will not be achieved overnight. Chiapas is a region of Mexico in which the reforms of the Mexican revolution were never fully implemented. It is an area of deep inequalities, where powerful landlords and local bosses thwart the aspirations for justice and better standards of living for the rural populations.

It suffers from tensions between the indigenous and nonindigenous populations, between different Indian communities and between adherents to diverse religious beliefs. The human rights abuses in Chiapas, as Congressman Smith pointed out, reported in our annual human rights reports, are symptomatic of numerous conflicts and unfulfilled expectations.

Prior to the peace initiative, human rights abuses may have been committed on both sides, particularly by the security forces. The prompt involvement of Mr. Camacho, the Mexican Human Rights Commission and Catholic Church authorities in the region may have helped limit the problem. Some 140 nongovernmental human rights organizations—Mexican and non-Mexican—have sent personnel to Chiapas to assess the situation.

As of today, fighting in the area has stopped. The government's actions contributed to shifting the conflict to the negotiating stage. Prospects for direct talks and talks mediated through the good offices of Bishop Samuel Ruiz appear very encouraging. As a further step to reduce tensions, Mr. Camacho announced on February 1 the withdrawal of army troops from occupied towns and the designation of two villages as "neutral zones," off limits to EZLN rebels and army troops. We have news reports today, Mr. Chairman, that the EZLN reportedly has announced that talks with Mr. Camacho are imminent.

While the problems of Chiapas date back centuries, recent changes in the economy of Mexico and the global economy have certainly contributed to social upheaval in southern Mexico. As the Mexican Government has instituted financial, economic, and trade reforms—steps which we see as crucial to long-term growth and stability—there have been shocks to its economy, particularly to those sectors which were inefficient or protected from competition.

Chiapas is one of the states which has received the greatest share of funds from government programs to provide for a social safety net during the period of economic reform, most notably the Solidarity program.

One of the most significant aspects of the economic reforms of the Salinas administration has been the successful conclusion of the North American Free Trade Agreement.

The inaugural meeting of the NAFTA Commission was held in Mexico City on January 14 and addressed a number of crucial implementation issues. We are continuing to work with Mexico and Canada in setting up the commissions required by the labor and environmental supplemental agreements and the Border Environmental Cooperation Agreement.

The EZLN's initial "declaration of war" on the Mexican Government, NAFTA was deemed the death knell for the Indians of Chiapas. I do not accept that judgment. Such a statement is little more than EZLN rhetoric that makes for catchy headlines. The

EZLN itself claims to have been preparing for its "war" for some ten years—obviously long before NAFTA was on the table.

NAFTA is not the cause of the social and economic inequalities in Chiapas which spawned the uprising any more than NAFTA can be blamed for poverty or social tensions elsewhere in Mexico or the rest of North America.

Chiapas and the uprising there do not make Mexico an unreliable trading partner. Make no mistake, however, NAFTA alone is not viewed as a panacea to those problems. Poverty in Chiapas predates NAFTA. But increased trade, which NAFTA fosters, will bring rising prosperity in Mexico, and ultimately in Chiapas. Expanded resources and expanded incomes will make for a better future for the people of Chiapas.

Furthermore, the NAFTA process is more than a closer linking of our trading patterns. This process accelerates a comprehensive integration of our two countries in many areas. It helps energize local nongovernmental organizations and forges links between them and like-minded NGO's in the international community. The process increases Mexican sensitivities toward democratic values and human rights. Under NAFTA, Mexico is now more than ever part of the "global village."

Mr. Chairman, I would now like to turn to the other topic of today's hearing: Democratization in Mexico.

Mr. TORRICELLI. Mr. Ambassador, could you then, Mr. Watson, please conclude on this so we can move forward. We are substantially beyond the 5 minutes.

Mr. WATSON. Yes, sir. As you know, Mexico has long been dominated by the PRI—Institutional Revolutionary Party—the political organization which emerged after the Mexican revolution. Over the years, the PRI has provided Mexico with considerable stability and presided over a remarkable transformation of the country. It is also acknowledged by most observers that the prominence of the PRI has historically discouraged the development of an open and competitive democratic process.

Just as we are witnessing a remarkable transformation in Mexico, we are also witnessing dramatic transformations in the Mexican political system. Under the leadership of President Salinas, Mexico has taken bold steps toward guaranteeing the protection of fundamental human rights and permitting an open and fair democratic process.

For the first time in history, opposition parties have gained governorships in several states and significantly improved their representation in the legislature. Electoral reforms in 1990 and 1993, including the Federal Electoral Processes and Institutions Code, introduced reforms in voter registration, placed limits on campaign spending and created an electoral court to adjudicate electoral disputes.

These reforms, however, failed to fully satisfy opposition parties concerned about the impartiality of the electoral authorities. During the recent elections in the state of Yucatan, opposition parties complained of extensive fraud.

Mr. Chairman, we welcome the announcement on January 27 that all of the candidates for the presidency in Mexico had reached an agreement entitled "Peace, Democracy and Justice." I cannot

sufficiently underscore the historic dimensions of this agreement to which the leading opposition parties, the PRD and the PAN, as well as the PRI, are all signatories. It recognized that a necessary and unavoidable condition to a just and lasting peace is the advancement of democracy through free elections.

In the agreement the parties pledged a series of concrete steps that should make fair, impartial elections a reality. As a tribute to the strength of the Mexican political process that these watershed agreements have emerged in the wake of the incidents in Chiapas.

Chiapas, rather than representing a reversal in the process of economic and political transformation in Mexico, has proven to be a further energizing factor contributing to a deepening of the reform process. We hope and expect that this process will continue.

The United States has been supportive of democratic opening in Mexico. We have discussed frequently with Mexican officials our willingness to cooperate in ways which are in full conformity with Mexican law. The State Department has also met with nongovernmental organizations to discuss how they might be able to assist Mexican NGO's in ensuring the full implementation to electoral laws.

In closing, I would like to reiterate that we view with great optimism the development of closer ties with Mexico and applaud the process of economic reform and political opening that is taking place in that country. The United States looks forward to deepening ties with Mexico and working fully with whomever the Mexican people elect as their leaders in the upcoming Presidential race. We are confident that the implementation of NAFTA will continue to improve relations between our countries in the years ahead.

Just as President Clinton has emphasized the need to address many of the basic and fundamental social problems that we continue to face in the United States, we welcome the renewed commitment of Mexico toward addressing the problems of poverty and inequality. A policy of peace, reconciliation and democratic reform, with respect for human rights, will help strengthen the ties of our people on both sides of the border.

I will be pleased to answer any questions members of the subcommittee may have.

Mr. TORRICELLI. Thank you, Mr. Watson.

[The prepared statement of Mr. Watson appears in the appendix.]

Mr. TORRICELLI. Mr. Shattuck, we invite your testimony reminding you that members of the subcommittee can read your testimony silently faster than you can read it aloud, so it is not necessary to read it all. You may summarize at this point.

STATEMENT OF JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE

Mr. SHATTUCK. Thank you, Mr. Chairman. I am pleased to join my colleague, Assistant Secretary Watson, on this very important subject of the situation in Chiapas in Mexico and the human rights situation which is the topic of my testimony.

I want to take note of the outstanding testimony of my good friend, Congressman Joe Kennedy, and associate myself with many

of his important observations. I will let you absorb some of my testimony by reading, but there are some portions of it that I would like to highlight. Particularly, I would like to state in terms of the human rights issues and violations that have arisen in the context of Chiapas the backdrop of the long history of socioeconomic and other problems that plagued the region and some other poor Mexican states. Facing an exploding population which grew from 160,000 in 1950 to over 700,000 now, rapid economic change and depleted land and resources, many Highland Indians in Chiapas are frustrated with their lot in life.

They rightfully sense that they have been unfairly denied justice, dignity and the land they need to support their families in traditionally life-styles. In our human rights reports for 1992 and 1993, we cite instances of abuses in Chiapas by authorities arising out of frictions related to the marginalization of Chiapas' indigenous population, a substantial percentage of which are Mayan Indians, and competing demands for land and resources.

My colleague has summarized for you the response of the Mexico Government as of early February to the situation and I will skip over that portion of my testimony that covers that. But I would like to focus on the extraordinary work that international human rights NGO's have done as well as Mexican indigenous NGO's in Chiapas. It has been immediate and impressive. To date, some 140 organizations have sent representatives to Chiapas to offer assistance and gather information. I would like to take this opportunity to offer further support for those human rights monitors who have placed themselves in the middle of an uncertain and potentially dangerous situation in order to promote human rights in Chiapas; and to take note of the fact that this is the way that human rights are very often most effectively advanced.

We have spoken to some of them and look forward to further discussions and to receiving their reports. We have also spoken with Mexican Government and opposition party officials, journalists, religious and Indian human rights activists and others.

I would like to address very specifically some of the major human rights concerns that have been raised about the Chiapas situation.

I ask your indulgence, Mr. Chairman, to bear with me because these are important observations that I think need to be addressed in full from my prepared testimony. Most prominent among these concerns has been the claim that the Mexican military executed seven to nine captured rebels in the town of Ocosingo, that the military fired indiscriminately at civilians, that the military was responsible for the disappearances of suspected Zapatistas, and that the military arbitrarily detained and abused, perhaps even tortured, a number of civilians.

Military personnel have been accused of raping women they had arrested or detained. Human rights monitors claim that the military and other authorities threatened private citizens, members of the press and members of the clergy, especially Bishop Samuel Ruiz, head of the Catholic Church in Chiapas, who has accepted the Government's invitation to serve as a mediator in talks with the insurgents.

I should note that Bishop Ruiz was in Washington just a few months ago to receive the Letelier Moffit Human Rights Award for

his work in Chiapas. Last fall, we discussed the situation in Chiapas with Bishop Ruiz's chief aide for human rights, Padre Pablo Roma.

We have looked carefully into allegations of abuse related to the Chiapas uprising, and continue to assess the situation as events unfold and new information becomes available. While our knowledge is far from complete, I would like to review some of the information we have obtained so far, emphasizing that the incidents I describe are representative and not a comprehensive report.

First, as to summary executions, observers agree that seven to nine persons suspected of participating in the uprising were executed on or about January 2 in Ocosingo. The individuals had been captured, disarmed and apparently had their hands bound behind their back at the time of the executions.

We are not aware of any eyewitnesses, but the circumstances strongly suggest that the Mexican army was responsible. The army has claimed that it arrived to find the bodies already there. The CNDH announced on January 29 that the Military Attorney General's Office would investigate accusations into the apparent summary executions of rebels in Ocosingo.

Number two, allegations of indiscriminate firing into inhabited areas. There were a number of occasions when aircraft fired on inhabited areas near San Cristobal, in some instances where there was no evidence or verification of Zapatista combatants in the vicinity. These attacks resulted in the deaths of noncombatant men, women and children. We are seeking to confirm how many.

Three, military abuse of authority, physical mistreatment and disappearances. In the early days of the uprising the army assumed charge of the public safety and law enforcement duties normally reserved to the civilian government, due in part to the withdrawal of the police and other civil authorities in the face of insurgent hostilities. This situation continued well into the crisis, even after Federal law enforcement officials arrived.

There is evidence that military personnel, who had no training in civilian law enforcement, in many cases disregarded basic civil and constitutional rights of Mexican citizens in areas under military control. There have been many reports of illegal and unjustified detention; physical abuse and beatings of detainees; abusive treatment during questioning, possibly amounting to torture; and disappearances of persons believed to have been in military custody.

The military denies responsibility for human rights abuses, even in cases where there were multiple witnesses of public beatings and of persons verified to have been taken into military custody.

These allegations of serious human rights violations, occurring during the early days after the uprising in Chiapas, are substantial and of great concern. They must be fully and thoroughly investigated so that those responsible can be brought to justice under Mexican law. The Mexican Government has stated its commitment to do so.

During the debate on NAFTA, I testified about problems in the areas of human rights and democracy in Mexico. I cited specific human rights abuses that are discussed in much greater detail in

our 1991 and 1992 annual human rights reports. These reports give specific examples of abuses in Chiapas.

At the same time, I noted at the hearings significant institutional reforms that have been initiated during the last 3 years by the Salinas government in the areas of human rights accountability and electoral democracy. I noted then that NAFTA would enable the United States to work more closely with the Mexican Government to move those reforms forward.

Events in Chiapas have borne out both the negative and positive elements I discussed in my testimony last Fall. Chiapas has experienced significant patterns of human rights abuse, but the government has also responded to the situation in a positive manner, as it did when it set up the CNDH and took other actions to curb human rights abuses.

We are aware of concerns that have been expressed by some human rights organizations and others that CNDH may lack the ability to investigate thoroughly and to follow through on all alleged human rights abuses in Chiapas. Based on its record over the last 3 years we believe CNDH is capable of fulfilling its responsibilities, and we will follow its activities very closely as it addresses these allegations of abuse.

We will continue to urge the Mexican Government to ensure that human rights are respected, and that all allegations of abuse are fully investigated and, when warranted, prosecuted.

Thank you very much, Mr. Chairman. I will be happy to join my colleague in answering your questions.

[The prepared statement of Mr. Shattuck appears in the appendix.]

Mr. TORRICELLI. Thank you very much, Mr. Shattuck.

Mr. Watson, before the Mexicans begin their process of reconciliation, there is the inevitable question that must go to the trust between the institutions of this government. Congress just concluded a very long and painful debate about our economic future as encompassed by the NAFTA agreement.

During that debate and the testimony that was a part of it, virtually every senior official of the U.S. Government appeared before one committee of this Congress or another.

I may not have listened to this debate as closely as some, but I think I heard it as well as most. I went to the vote unaware. In fact the people of Mexico were about to face an internal insurrection based in part on Mexican agreement with the NAFTA accord.

The question then arises as to whether in this testimony the Clinton administration was aware of training and planning and indeed the likelihood that, by our actions and joining the NAFTA accord, we were a part of something that was going to provoke such a widespread insurrection.

Would you like to comment?

Mr. WATSON. Yes, sir. The Clinton administration and no organ of our Government, to my knowledge, had any idea that this outbreak would occur on January 1 or any other time. As I mentioned briefly in my remarks, there had been some reports from time to time of armed groups moving around in Chiapas but they were never identified as guerrilla organizations necessarily.

Sometimes they were considered to be perhaps remnants of the Guatemalan armed insurrection groups that have moved back and north. There are 40,000 Guatemalans living in the Chiapas region. There is also drug trafficking going on through there. It was assumed that these people might be drug traffickers but there was never idea that the EZLN, as such, existed or certainly that they planned to take any action like this.

In my statement, I tried to take on the charge which I think the EZLN has dropped. I have not heard there are reports that say somehow NAFTA is responsible for the conditions or is the important stimulus to their taking action. I think that was just an effort to attract some attention and publicity to their effort. I think the underlying problems I tried to outline and John Shattuck and Congressman Kennedy outlined have been there for a long, long time.

There was absolutely no information that this government had any information that anything like this was going to happen. I assure you, Mr. Chairman, that had I been apprised of such information, I certainly would have made it available.

Mr. TORRICELLI. There is the difficulty of the Foreign Broadcasting Information Service bulletin on August 11 that goes into great detail about the situation in Chiapas and tragically was not brought to the attention of this Congress during the debate because, in considerable detail, it not only presents information about guerrilla movements in Chiapas but it reports that there were rising tensions between indigenous people and ranchers, reports of mass arrests, rising human rights violations against the indigenous people by the Mexican military back to May of 1993.

That, apparently, was followed by representatives of the Minnesota Advocates for Human Rights who went to the State Department in August and reported that a group of insurgents were planning an assault in Chiapas and reported this to the State Department.

Were you aware of either this publication or that these meetings were taking place in the State Department?

Mr. WATSON. I was certainly not aware of any suggestion by the Minnesota group that this was going to take place. I may have seen the FBIS report, but I cannot recall right now, Mr. Chairman. I would like, if I may, to point out that what has happened in Chiapas has taken place in 4 municipalities of about 110 in the overall states. This is not to diminish its importance, but to show it is a limited phenomena at this point.

I think it is also important to point out that it is not a uprising of all the people in any of these areas because there are people, one group or another, that sometimes split. Some people have joined the EZLN and some have not. There have been complaints by villagers and even by some rural people in the valleys against the activities EZLN.

It is not a homogeneous uprising by any means. It is a relatively small group of people who are certainly voicing concerns about very legitimate concerns. I don't want to deprecate their concerns, but I also would not exaggerate it as a huge uprising in this region.

Mr. TORRICELLI. Mr. Watson, 2,000 people who come forward after apparently months if not years of training and are prepared to confront a modern army of overwhelming advantage in size and

armaments in what is the equivalent of a suicidal mission clearly must represent considerable motivation.

It would be my estimation that if 2,000 are prepared to spend their lives in this cause, it is unlikely that they represent only themselves. I do not come to this as any expert on affairs in Chiapas. I am learning about it as the American people are learning about it.

But all of us for a generation having lived through revolutionary change in the world come to it with certain impressions and prejudices. It would be mine that it is extraordinarily unlikely, given the courage and commitment that was witnessed, that indeed this does not represent something considerably larger.

Do you not share that view?

Mr. WATSON. I do indeed share the view that these people are responding to conditions that affect many people, not just those that rose up in arms and are of deep concern to almost everybody in that region in one way or another. As John Shattuck mentioned, there is tremendous pressure on the land. The land is quite rich, as Congressman Kennedy said, but the numbers of people who are trying to make a living on the lands have exploded exponentially.

The plots of land have been divided into smaller and smaller pieces. It makes it extremely difficult for people to eke out a living. There certainly has been discrimination.

Mr. TORRICELLI. Mrs. Meyers, would you like to add something.

Mrs. MEYERS. Just as a follow-up, you have indicated this was limited to a very limited area in Mexico. Today it seems that about 4,000 peasants in another area, in the state of Oaxaca took over 13 Federal, State and local buildings in this southern city to protest land debts, public services and other issues. It said they most apparently were connected with the opposition democratic revolution party and the worker peasant student coalition of the isthmus.

And further south in Chiapas, an estimated 3,000 peasants were demanding a suspension of land debts and bank foreclosures and they continued to block entry to a dozen banks. That is from today. It sounds to me as if the problem is spreading.

Mr. WATSON. I certainly don't want to minimize the problem. I didn't mean to do that. I just wanted to say that even within these areas where people have been rising up, not everybody is on the same side of every issue.

Mr. TORRICELLI. What is the potential, in your judgment, in neighboring states for the insurrection to spread?

Mr. WATSON. My judgment at this point would be that it is not likely that the EZLN insurrection will spread much further, particularly because they are engaged in the incipient phases of negotiating process with Mr. Camacho. He has accepted their four conditions for those negotiations.

So my expectation would be that that process would move forward and the real underlying issues would be addressed and the hostilities would remain ceased as they are now.

Mr. TORRICELLI. That would be all of our hopes. In giving my own impression and contacting people concerned, more than a few have indicated to us that there is precious little to talk about. I hope you are also right that it will not spread to other states. But

as one looks at the numbers and considers the political situation, one must question whether that is true.

Mr. Shattuck, I want to speak with you about human rights of a different dimension. We are all concerned about the individual cases of abuse, but there is the larger issue of whether or not the political process is doing justice to the indigenous people and other poor people in Mexico.

Could you cite for me in Chiapas the percentage or numbers of people who indeed are engaged in the process by being enfranchised with the right to vote, the extent to which they are represented in government through having been elected, and your impression on whether or not there is a competitive electoral process that takes place in the region?

Mr. SHATTUCK. Mr. Chairman, let me answer that question by citing, first of all, the depth of the roots of this issue, as I did in the introduction to my own testimony a minute ago, and as Congressman Kennedy did in his testimony.

I think the issue is a problem of land, limitation of resources, and the inability of people—particularly indigenous people. The difficulties that indigenous peoples have faced in Chiapas for some periods of time is significant.

This is something that has been publicly known and publicly stated. It has been referred to in human rights reports. The issues of human rights and democracy questions were aired extensively in two hearings last fall. Both I and my Principal Deputy Assistant Secretary testified on two separate occasions before two subcommittees about the long-standing problems of human rights and democratization in Mexico.

With respect to enfranchisement, certainly the rights of people in the Chiapas area have not been sufficiently realized and protected.

The developments that have occurred recently, particularly the ones to which Assistant Secretary Watson referred, should ultimately be a successful way of enfranchisement. Electoral reform has been under way since 1990, with the establishment of the Federal Electoral Institute and the increase in voter identification systems.

On the other hand, as you and Congressman Kennedy stated, the issues are as much socioeconomic and discrimination as they are mediums of electoral reform. All of those issues, we believe, are being addressed. As others have said, this event could well be catalytic in getting further progress in the areas of human rights and democratization.

Mr. TORRICELLI. Mr. Shattuck, you suggest to us that either the people on that side of the table or on this side of the table are profoundly wrong about the events that were set in motion on January 1. It is my belief that something of extraordinary consequence has now been set in motion in Mexico. That is both as inevitable as it is just and as foreseeable as to such an extent that it should have been a part of the judgment that was made in this country about our economic union with Mexico only a few months ago.

Few things both confuse and trouble me more about American foreign policy than the fact that we are the world's oldest revolutionary society and yet fail to identify with those who are seeking the most basic rights under the foundation of our own country. It

appears to me from my own review of the requests of the people in the Chiapas uprising that, foremost, they are seeking enfranchisement, a chance at a pluralist government and an end to corruption.

It has been my impression that those are the primary messages the United States has been attempting to share with nations around the world. Indeed, I would suggest that if an uprising were taking place in Russia where people were claiming they were denied enfranchisements, the political leadership was prolonging its power by choosing its own successors, members of their Congress and the administration would compete in offering amendments to deny American assistance and to qualify the relationship until the grievances were addressed.

I believe that we defend the PRI and its peculiar form of democracy against the interests of the poor and indigenous people of Mexico at great peril to American interests and contradict the messages that America is sending to the world.

Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Secretary, my first question relates to testimony which has been prepared by Juan Mendez of Human Rights Watch, formerly America's Watch. He asserts that in the rural areas those with close ties to the PRI own not only the lands but own the police, civil authorities and judges. He says that disputes over lands are resolved by force and social-political organizations that represent peasants who are persecuted.

Chris Woehr from News Network International will testify that essentially municipal and community leaders operate essentially with impunity, their will is the law. There seems to be little will on the part of state authorities to intervene on behalf of individuals and entire communities when they are victimized by the actions of these community leaders.

Is that true? Are those valid assessments of what would seem to be a very corrupt leadership in Chiapas? What kind of purge will be necessary to restore true justice in that area? Mr. Shattuck, do you believe that there can be a fair and impartial investigation, and then prosecution of those who have committed human rights abuses, whether they be guerrillas or the military, especially in light of the fact that the military is denying responsibility for those kinds of atrocities.

Mr. Watson.

Mr. WATSON. I would think, Representative Smith, that the evidence would suggest that the political system in Chiapas was in the hands of some very powerful political bosses. The overwhelming vote turned out for one party not to the party's consistently. The evidence like those you just mentioned, and others from people who have been there, suggest that in some ways it is almost a feudal type system that existed down there.

I think President Salinas himself admitted that though they put more money into Chiapas than any other state in their Chiapas program, and build roads and schools, lands, purified water, that it was not enough. I think the fundamental reason it was not enough is that it does not get at these political structural issues. I think Mr. Camacho, when he accepted the four conditions set

down by the EZLN for being in negotiations is in fact recognizing that these issues have not been dealt with effectively and must be dealt with now.

The second part of your point, I am not sure I would use the word purge or what kind of political changes have to be undertaken there for this system to change. I guess it is a deeply rooted system in all the problems we have been talking about so far this afternoon, and it will take some time. I think that, obviously, the President, Mr. Camacho, and Mr. Carpizo, are interested in making those changes as quickly as they possibly can.

On the human rights abuse question, I will defer to John Shattuck, but maybe I can just say one thing. We have raised this—Ambassador Jones has raised this question even before the reports of human rights violations because we feared there might be just the kinds of situation that you would think would bring them about.

We have been assured by Mexican leaders as recently as yesterday when we raised this again, that they were determined to investigate all allegations of human rights abuses, identify those people who have perpetrated them, and punish them, be they military or civilian.

They have a three-pronged investigation going simultaneously. One is the National Commission on Human Rights that Representative Kennedy mentioned as investigating a whole series of cases and they are providing information on those, people who have been detained, people who have disappeared, and people whose human rights are alleged to have been violated. The Attorney General, Mr. Carpizo, a former human rights person himself, is doing investigations as well and will do the prosecution of those cases brought to it by the prosecution.

Third, the military Attorney General is doing his own investigations and using information provided by the other two to investigate cases of abuses by military personnel. My understanding is that the penalties in the military justice system are more fierce and harsh than the civilian is.

There is a lot of attention being focused by us and also 140 NGO's and lots of other governments and the media on this, and I think we have to assume that they will prosecute these cases effectively.

Mr. SHATTUCK. Mr. Smith, it is very good to see you for a second day, sir. We had a good hearing yesterday, and I appreciate your assistance on the human rights reports on a worldwide basis.

Let me just begin my answer by commenting on the fact that, as I said in my testimony, we have been having regular meetings with a wide variety of people involved in the region on the subject of something possibly spreading to Oaxaca.

Two weeks ago, some members of the Human Rights Bureau participated in a meeting with an oppositionist to explore multiparty democracy in Chiapas and the question of whether the insurgent uprising would spread to Oaxaca. There was no indication by the deputy that that might be the case at the time.

Certainly last fall when we had occasion to meet with Bishop Ruiz' human rights aid, Padre Roma, we did discuss in depth the tensions and issues of human rights abuse that we have been con-

cerned about and have reported on. He did not specifically predict any uprising of the kind that occurred in January.

On the question of the adequacy or the ability of the Mexican Government to respond to the kinds of human rights abuses that I have outlined in my testimony, over the last 3 years, the record of the Human Rights Commission and, more importantly, the referral of cases to the Justice Department and the Attorney General for prosecution has been an impressive one.

The creation of the Human Rights Commission in Mexico is precisely the kind of indigenous governmental body that should investigate and address human rights abuses in countries worldwide. I think it is commendable that Mexico has established such a commission. If those countries were to do similar commissions, I think the condition of human rights on a global basis would be considerably advanced. It is part of our human rights policy to advocate the creation of such commissions.

In the period from May 1992 to November 1993, the Commission took or recommended 1,031 actions against government employees who it believed had engaged in human rights abuses. In 348 of those cases, criminal charges were later brought by the Attorney General. From January 1993 until November 1993, under the leadership of Jorge Carpizo, who was the first director of the Human Rights Commission and then became Attorney General in 1992, January, 1,295 government employees resigned or were fired as a result of human rights abuse allegations and investigations. Three hundred of those faced criminal charges.

And during that short January to November 1993 period, 45 were sentenced to prison for periods of more than 5 years for specific human rights abuses. This is the solid record that has been compiled by the Human Rights Commission.

I think that the fact that former Attorney General Carpizo has recently been appointed to the Interior Ministry is an indication of the commitment of President Salinas to ensure that the civil authorities who report to the Interior Ministry have the same kind of human rights approach that I think Mr. Carpizo took when he was running the Commission and later as Attorney General.

This is precisely the kind of human rights activity and effort to get on top of human rights abuses that countries the world over ought to be engaged in. Mexico has many human rights problems to be sure. All of us do. As Congressman Kennedy pointed out, we have to in our own country.

The seriousness with which the Mexican Government has taken this over the last 3 years and has indicated that it is taking the situation in Chiapas, I think, is precisely the direction U.S. policy in human rights ought to be taking.

We are engaged in constant communications with the Government of Mexico. I would think the fact that we have closer relationships as a result of the conclusion of the NAFTA treaty, I think, is an indication that we can continue to encourage this kind of activity to take place.

Mr. SMITH. Secretary Watson, has the United States or the Mexican Government done an analysis of where the potential hot spots are in Mexico. This may be an issue which we should pursue on a more confidential basis.

I think this is especially important in light of the fact that unlimited amnesty has been given as of January 1. I am not sure how the amnesty will play out. The amnesty could have the unintended consequence of embodying some who see this as a way to get attention.

Clearly, we want to send the message that violence is not the way. I believe that by identifying those areas where it is most likely that violence could occur would be a most prudent course.

Do we have such an assessment or are we looking to undertake that?

Mr. WATSON. I don't have a list of 10 spots, but we are certainly aware of the areas of Mexico where the living conditions and social conditions involve the most tension. They are mostly in the southern areas of the country. The Mexican country is acutely aware of this. That is why they have put so many resources in there but, obviously, it has not been enough to deal with some of these underlying questions.

I think it is important, without trying to analyze that much what is going on in Oaxaca until we have more information. I think it is important to note that a lot of these grievances have been expressed to authorities many times, on many occasions.

Mr. SMITH. I have expressed them as well to Mr. Carpizo.

Mr. WATSON. But by the people in the region. They have said they think it is unfair that some of the decisions on land registry is not correct. They feel that sometimes political and judicial decisions have not been correct. They have protested those. I imagine that is what is happening in Oaxaca. I think you are absolutely right, Congressman Smith, to say that it is very important for people to understand violence is not the way to solve these problems.

I think it is hopeful that the commanders of the EZLN, Zapatistas or whoever, and it has not been determined, that the talks with Mr. Camacho are imminent and the direction of those talks have been played out to address those underlying issues. I think the Mexican Government realizes it must come to grips with those as effectively as possible.

Mr. SMITH. As we continue to follow these issues, I would hope that the information is shared with U.S. business interests, especially post-NAFTA approval, because certainly they would need to have a risk assessment about the situation.

I believe you mentioned earlier in your testimony that U.S. personnel were immediately dispatched to the troubled area to ascertain what was happening to the American citizens.

What is the situation of U.S. citizens in Chiapas?

Mr. WATSON. No American citizens were killed to our knowledge. Our folks down there, there were five that went down there, sent by Ambassador Jones, a former member of the Congress, as you are aware. They were sent down there and they found some American citizens who were frightened, hiding in their houses, and they helped those people get out and get back to places where they could be taken care of.

Our people are back down there again looking around. They have no evidence of any serious problems at this point for American citizens, thank God.

Mr. SMITH. Thank you.

Mr. TORRICELLI. Mr. Menendez.

Mr. MENENDEZ. Thank you Mr. Chairman.

Mr. Secretary, good afternoon. I would like to ask you, what does it mean that there are no organic ties with any foreign group or movement in your statement? What does that mean exactly?

What does it mean that there is no relationship, that we have discovered, or that the Mexican Government has discovered between the EZLN and other political organizations elsewhere?

Mr. WATSON. The word "organic" is designed to leave open the possibility that there may be individual soldiers of fortune or something that are involved, but we had don't know that. It may be that. But there is no relationship that anybody has been able to detect between EZLN and any other group, URNG in Guatemala or any other country or anyone in El Salvador or what have you.

There are a few Guatemalans that have been picked up by authorities. Some have gone across the border. They may be involved in some fashion, but if they are, as far as we can tell it is strictly on an individual basis.

Mr. MENENDEZ. It is because I perceived that—that was an opening that I asked you. So what you are telling the subcommittee is that at this point in time, for example, there are those that have said that Guatemalan, URNG were, and in fact, efforts by Cuba were involved.

You are saying none of that was substantiated at this point.

Mr. WATSON. That is correct. As Representative Kennedy said, and he was there at a crucial time, at the highest level of Mexican Government, nobody believes those reports of northern leadership or participation.

Mr. MENENDEZ. How do we explain the emergence of an uprising in the state that traditionally votes strongly for a long-entrenched PRI? Despite all the statements that I have heard of long-standing suffering, how do we explain that people who have been neglected, who have been abused, in fact, would be supporting the PRI in significant numbers for such a long period of time?

Mr. WATSON. I would leave a full answer to people who are expert on that in the State Department more than I am.

What I understand from our Embassy is that the voting patterns in Chiapas are such that their regional chiefs sometimes from indigenous groups or sometimes just local political leaders have the ability to deliver large numbers of votes and that the followers deliver the votes the way they are asked to delivered them.

It is a phenomenon that is not unique to Mexico, but that the political machines work in such a way that the votes are delivered on election day. It does not mean necessarily that the political system is responsive to the interests of those people that are voting. That is my understanding of how that came about.

Mr. MENENDEZ. It has nothing to do with the integrity of the political system then?

Mr. WATSON. I would think that if the people who are casting the votes for whatever reason feel that they must vote the way a political boss tells them to vote, you have to have some questions about how that system is working.

Mr. MENENDEZ. What I would suggest is that—you are saying it is because of a political leadership that can deliver large numbers

of votes, not the electoral system, not any fraud, not a system that would obviously be providing a result that is different than the needs of the people of that area.

Mr. WATSON. I would not want to rule any of that out. We can take a further look at it if you would like and get back to you. I would not rule any of that out. But the explanation I was given is the one I shared with you.

MR. MENENDEZ. Secretary Watson, would you agree with me that if the Clinton foreign diplomacy, which I have heard Secretary Christopher cite before the full committee that has several pillars to it, and one of the pillars is human rights and democracy, that if that pillar is to stand up, that it must be expressed by the U.S. Government, whether we have expressed it in the case of a friend or a foe?

Mr. WATSON. Sure.

Mr. MENENDEZ. Then in regard to what goes on in Mexico, which we consider a friend, I am going to raise this. I don't want to bring their statement in full before they get a chance to present it. But I have the statement of one of the witnesses, Fernando Hernandez, who lives in Chiapas.

He says, which I think is typical of what has been going on here and a significant thing that we had glossed over too much, part of his statement says, "After marching 2,000 miles we arrived," talking about a significant group of people who went from Chiapas in a march to Mexico City to speak to the President of the Republic, he says, "After marching 2,000 miles, we arrived but no one, not the President, not no one was there to talk with us. This demonstrates how willing the government is to resolve the problems. What the Zapatistas have done is gone one step further to resolve the land claim issues."

Then, "The killing and disappearance of native people in Mexico is a common and daily occurrence. The army goes into communities, burns villages and removes people. It is important to know that repression of indigenous people and landless mestizos is not something new. It has gone on daily and the Government does nothing to protect the human rights of the people involved."

Many of us who are concerned about that, about what we were doing with NAFTA was entering an old generation of treaties versus a new generation of treaties. As far as questions of human rights and democracy, how do we reconcile a statement like that on the grounds with the reality of the situation with the gloss we seem to give it? Doesn't that make our foreign diplomacy less credible?

Mr. WATSON. Representative Menendez, I don't want to put any gloss on anything here. I think that Mr. Hernandez' statement should be accepted at face value. He lives there. He knows what he is talking about. It is not inconsistent with what we understand conditions have been like in Chiapas. I think those kinds of issues are at the center of what this is all about.

I think that President Salinas has indicated and the Mr. Camacho, as well. They understand that and they want to get at it. As Mr. Shattuck said, the Mexico democracy process is evolving and we think it is evolving in a very constructive way. It is too bad it is not perfect already, but it is moving in the right direction.

I would venture to say that what has evolved relatively rapidly at the Federal or national level, institution of new procedures and things and new agreements among the parties, et cetera, getting those kinds of agreements and understandings to work on the local level is more difficult and takes longer and may not have been pursued as aggressively as it might have been.

One would hope that this particular set of circumstances we are talking about today would bring about some of those changes at the local level more rapidly and move effectively than otherwise might have been the case. We press the Mexican Government on democratization issues all the time when we talk to them.

I think President Salinas and the other leaders understand the absolute necessity of moving in the right direction now if they are going to have a successful modern society and the political section of the society is going to keep up with the economic reforms that are taking place.

Mr. MENENDEZ. Are you satisfied with what has been portrayed as democratization efforts and the restructuring, the "reform"?

There are many who raise questions, that that is truly not reform because what it ensures, although it appears to be reform, that, in fact, the Electoral Fraud Board that is appointed is appointed by the PRI and that it is, yes, proportionate representation, but the process and the manner in which that proportion of representation takes place ends up securing for the PRI still a majority.

So while it is proposed as reform, because it now brings parties who may not have been parties before, in fact, it still ensures a majority of one party, is that truly reform?

Mr. WATSON. I think it is clear, as I tried to state in my statement, that the reforms that have been made in 1990 and that ones made last year have not been fully satisfactory to the opposition parties or to others.

But what I wanted to highlight is that the decisions made by the eight political parties on the 27th to a whole series of measures to guarantee that the next round of elections are dramatically different from elections that have taken place in the past, that that is a really dramatic step and it remains to be seen how well it will be implemented.

At this point, each observer I know of the Mexican scene has given enormous importance to these steps, all the parties on board. Another set of agreements reached a few days before and to which the PRD, Mr. Cardin, I believe signed on yesterday, was a sort of 20 commandments for how the elections will be run.

I think there is tremendous process, Congressman Menendez, of political reform that is going on as we are sitting here and as we are watching and it is very exciting.

Mr. MENENDEZ. I am warmed by the possibilities, don't misunderstand me, but I don't want to tout as reform that which is truly not reform.

My point is what is now being discussed, as you have stated, in terms of the meeting of the different political leaderships to hopefully accomplish these goals is one thing, but what has, as I understand it, legislatively been enacted in order to accomplish reform, which is the one thing that can guide us for the moment, falls short

of reform because, in fact, while it purports to be reform by bringing in the proportional representation, it still leaves and ensures, guarantees the ruling party control.

How can we not point that out? I have not heard testimony yet either in the course of the NAFTA legislation or now today that says we recognize maybe this is a step forward, but this is not reform. Reform is when truly everyone is on an equal footing.

Mr. WATSON. Well, what I was trying to say is that the decisions and the agreement reached on the 27th just a few days ago by all the parties looks like the kind of reform you are talking about. I also understand that if the parties agree that if legislation is required to implement some of these decisions they arrived at on the 27th, they can have a special session of the Congress to deal with these things.

Mr. MENENDEZ. So what you are telling me is that what exists legislatively you have agree is not reform. What is proposed in this new agenda is hoped to come to the point where we can truly say we have reform.

Mr. WATSON. I don't want to denigrate the steps taken for reform in the past. All observers of the Mexico scene who know more about these things than I do, including Mexican leaders of all political parties, think these agreements met a few days ago will have a tremendous impact.

Mr. MENENDEZ. Maybe what my concern is, Mr. Secretary, is we need to give warmth to the opportunities for reform. But I think we cannot afford, if we are truly going to promote democratization and human rights, to call something reform when it is not, because then we join in the process, in my opinion, we join in the process of being disingenuous with the people we hope to help. That is a concern I have.

I know it is a tight rope to walk, but we also need to say when something is not reform.

My last question, if I may.

Mr. SHATTUCK. Mr. Menendez, would you mind if I jumped in and provided just a brief additional response to that point?

Mr. MENENDEZ. As long as it does not obviate my last question.

Mr. SHATTUCK. I hope I won't incur any of your time.

I want to emphasize the seriousness with which President Clinton and all elements within the administration take the issue of an evenhanded approach toward issues of human rights and democratization.

It is a pillar of the President's foreign policy precisely because all nations of the world are looked at in a very consistent and fair way. In the case of Mexico, there has been no lack of serious treatment of the human rights abuses and the problems of democratization.

I refer you to the report that was released yesterday and some of the things that it says, quite specifically about the difficulties of democratization in Chiapas. Assistant Secretary Watson has commented on the political ties between the PRI and the tribal leaders. These ties provide a very difficult situation in terms of removing corrupt or ineffective leaders once they have obtained PRI backing and, nonetheless, can produce a significant amount of turnout in the voting for PRI candidates.

This is an area clearly that is in need of reform. It is precisely the reform vector that we are talking about here. We now have some 12 million to 15 million Mexicans out of 90 million who are governed at the state or local level by opposition parties. That is quite new.

We have 3 of the 31 governorships and 10 percent of Mexico's municipalities that are now governed by opposition parties. This is a pattern which needs to be encouraged and recognized, while at the same time the kinds of human rights abuses we have been characterizing, as well as democratization difficulties, as we pointed out in our report. That is what the President's policy on democracy and human rights is all about.

Mr. MENENDEZ. Thank you. My last question, Mr. Secretary, is—and hopefully it will be seen in a positive light. AP today points out that the Mexican industry lost 178,000 jobs in 1993, with the industrial states in Mexico being the hardest hit. This is what the government newspaper, *El Nacional*, reported.

Now, in that context some of the root causes in terms of what happened in Chiapas and the questions of the economic needs, how do we help in securing that maybe the responses—we would seek responses in displacements here in the United States that if the industrial states are the ones who lost 178,000 jobs, no insignificant amount in a country like Mexico, how do we ensure that resources and that the benefits of NAFTA will go to Chiapas and not simply be geared toward where displacement taking place and if there is no answer to that, don't we have a longer term problem?

Mr. WATSON. We will—I think these are fundamental decisions for the Mexican Government to make. I think the jobs that have been lost have been lost in the industrial sectors, because the economic growth last year was rather slow and they expected to pick up this year.

Jobs were created in nonindustrial areas, which is positive. I think the Mexican Government has shown that by the investment of the per capita highest amount in the country and the solidarity problem in Chiapas that they are conscious of the need to transfer resources to those areas that most need it and those areas where the private sector is not going to do the job by itself.

So I would think that the record so far indicates that they are aware of this. They have had a budget surplus in calendar 1993.

Our anticipation is that they are going to be using that surplus to address some of these problems. I don't want to get out in front of what the Mexican Government will do, but their performance indicates that they do transfer resources to the areas that most need it.

Mr. MENENDEZ. I don't intend to tell the Mexican Government what to do, but what does the U.S. Government presently do in their relationship with Mexico in any type of assistance or program that would help the Mexican Government improve the situation in Chiapas?

Mr. WATSON. Well, we have very, very small assistance programs in Mexico that focus on a few environmental projects and the population questions chiefly and a few others. We don't have those kinds of resources. But obviously by our dialogue with Mexicans,

we are always encouraging them to try to come to grips with these kinds of problems.

Mr. MENENDEZ. Thank you.

Thank you, Mr. Chairman.

Mr. TORRICELLI. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

The country reports on human rights practices that was released just yesterday states "indigenous people who converted from their traditional Catholic religion to evangelical faiths continue to be forcibly expelled from their houses by other villagers despite efforts by the state government and the Catholic hierarchy to stop such actions."

How do you describe the efforts of the state governments and the Catholic hierarchy to stop such action? Would you agree with that statement?

Mr. WATSON. This is a matter of concern to us. I believe we looked at it in our human rights reports over the years. Discrimination against persons on the basis of religious affiliation is illegal in Mexico. Nevertheless it takes place. We talked about this in Chiapas where people converted to the evangelical faith were being forced from their homes by other groups. We heard reports of this activity in other parts of Mexico as well. These are extremely disturbing.

This is something we try to keep an eye on and tried to report about in the human rights report. Perhaps Mr. Shattuck can address it in more detail.

Ms. ROS-LEHTINEN. When you say "we keep our eye on them," what is the proper U.S. role when we are confronted with reports of blatant human rights violations? What should be the proper U.S. response to such documentation of abuses?

Mr. SHATTUCK. The human rights reports are intended to be the basic information on which all of our judgments and policies with respect to human rights and democratization are made throughout the year. They become the tool for use within the country itself where they are widely distributed.

We hope they give support to those efforts that are seeking reform, which is one of the themes of this hearing. They have provided information that we hope verifies some of the concerns that have been raised about human rights violations. In addition, they provide a means for governments to be addressed to make sure that they themselves take seriously the allegations of human rights abuse and the need for democratic reform.

This will be the tool for much of our policy in this area vis-a-vis Mexico over the next year. I think that same thing could be said for virtually every other country, but it is particularly important in Mexico.

Let me say a word about the issue of freedom of religion and discrimination against people for their religious activities. The challenge of ensuring freedom of religion is one of the great crisis in the world today.

Mr. Smith and I have talked about this extensively in the context of China. It is one of the major elements of our dialogue with China right now on human rights issues. It becomes particularly complex

when two private bodies or two individuals who are competing over freedom of religion, and one is trying to influence another.

The conduct of government in this case is particularly difficult. It is certainly a problem in our own country in terms of providing opportunities for evangelical freedom of religion, while at the same time protecting the freedoms of others.

Certainly in the case of Mexico, to the extent that there are physical violations, abuses, removal of people from houses, and matters of that kind, that it becomes a serious issue for the Mexican criminal process. It is one of the issues that we believe the Mexican Commission on Human Rights should address. Indeed, some of the allegations of violations brought to their attention are in this area.

Ms. ROS-LEHTINEN. But the report that says these efforts by the state government to stop such actions—we have not had any verification that any effort truly was undertaken. It just seems that that is quite a highly impacted statement with very little truth behind it. The facts don't seem to substantiate that the state government was actually involved in trying to stop this action from taking place.

Mr. SHATTUCK. I think that refers to the complaints brought to the Mexican Commission on Human Rights and their investigation and referral of those complaints to the Attorney General for prosecution. There are complaints in the area of religious discrimination. Certainly a great deal more could be done.

I want to emphasize how difficult it is when there are two private individuals, neither of them in the government, who are impinging on each other's freedom of religion.

Ms. ROS-LEHTINEN. Just one last question: How comfortable do you feel, either of you gentlemen, in characterizing Mexico as truly a democratic country given that, as we have just discussed for several hours, the total control of the PRI and the political process and the handpicking of the next candidate and that candidate being assured victory?

In your statement, Ambassador Watson, you said it is widely acknowledged by most observers that the prominence of the PRI has discouraged the development of an open democratic process.

Given the reality of the total control of this party and the dominance that it has on Mexican life, how confident are you that similar incidents will not have a spill-over effect and you will not have these uprisings in other areas where people feel totally disenfranchised from what can only, by a large stretch, be called a democratic government.

Mr. WATSON. I think I would share the view expressed by Representative Kennedy earlier. I understood him to say that Mexico is a rapidly evolving democracy. If you look at where Mexico was a few years ago and compare it to where it was a few weeks ago and compare it to what has happened in the last few days, I think you can see dramatic political change.

The figures that Dr. Shattuck indicated about the number of political units that are now having elected officials from the opposition party, not as much as you would expect, but still evolving and increasing. These reforms entered into the last few days seem to be very dramatic. So I think it is a democracy which is by no

means perfect, but moving and evolving in the right direction very rapidly.

Perhaps it is more rapidly at the national area than at the local area. I think that it is pretty clear that what happened in Chiapas has energized their process, as I said in my statement. Therefore, there may be some beneficial effect to this unfortunate incident.

In this regard, I would like to mention that the information I just got now on these demonstrations in Oaxaca are really quite different, as I tried to suggest before. They are not part of the EZLN. They are not an armed force. They are not calling for overthrow of the government. These are people peacefully protesting land registry and credit questions in a couple of towns.

It is the kind of stuff that has gone on in Oaxaca from time to time and the kind of things that I think the Mexican Government needs to find a way to deal with systematically rather than only in response to these kinds of demonstrations.

Mr. SHATTUCK. Let me just emphasize what I think is the theme of the President's policy in this area. The administration supports grassroots democracy and human rights movements, which are a very powerful, and indeed, global phenomenon. It is very strong in Mexico.

I think there are strong winds of reform, efforts to produce more democracy, and people who are struggling at the grassroots level, such as human rights organizations, local organization, and indigenous groups. It is their efforts to achieve reform that our President stands for, and that the policy of democratization is all about.

This is what the story in Mexico is. It is the story of reform and change, the challenge of change in this post-cold war era, as the world is changing so rapidly. It is a challenge of managing change and developing democratic opportunities and protecting human rights. It is a story that is unfolding daily in Mexico.

I think what we have described here are some very painful incidents, some very difficult facts, and facts that need to be addressed. But we believe that at both the grassroots level and at the level of the leadership of the country those forces of change are winning.

Ms. ROS-LEHTINEN. Thank you.

Mr. TORRICELLI. Gentlemen, thank you very much for your testimony. We appreciate your contribution to the subcommittee today and your time.

The subcommittee will now receive testimony from Mr. Fernando Hernandez and Ms. Maria del Rosario del Hernandez, citizens of Chiapas. Would Mr. Alexander Ewen also come forward for purposes of providing an introduction?

Mr. EWEN. Thank you very much, Mr. Chairman.

Mr. TORRICELLI. Welcome. During the course of planning this hearing it was the intention of this subcommittee to receive testimony from officials of the Catholic Church, from various leaders of the peoples of Chiapas. All this proved to be exceedingly difficult.

It was at least alleged by many of these peoples that they were subjected to considerable pressure by officials of the Mexican Government not to come forward and offer testimony. It is exceedingly rare with a committee of the Congress that anyone would interfere with that process.

I regret that it is at least alleged that it happened in this instance. Each of you are to be commended for having the courage and the conviction to share with us today your thoughts. The subcommittee is very indebted to you, as should your people, that you have exhibited this independence of thought and this courageous spirit. We welcome you. We look forward to your testimony. Thank you, once again, for your presence here today.

Mr. Ewen, would you like to begin with some comments by way of introduction of our guests?

Mr. EWEN. Yes, thank you, Mr. Torricelli. I especially want to thank the staff of the subcommittee for going the extra mile to try to bring indigenous people to this hearing. This is a unique and in many ways an historic event that indigenous people from Chiapas can come and address the U.S. Congress. It is certainly not common, even in the halls of the Mexican Government.

I am of Tarascan descent from Michoacan. I am the Director of the Solidarity Foundation, a native research foundation.

One of the things I wanted to note in my introduction is that Mexico has more indigenous people than any other country in this hemisphere and a greater variety with almost 230 distinct Indian languages spoken in Mexico.

Yet we need to understand that Mexican native people do not have, in spite of the numbers and varieties, do not have the institutional protections to their land. They do not have reservations. They do not have government-to-government or similar types of ways of addressing the Mexican Government like the native people here in the United States do.

In particular, in Mexico they are not a part of the national debate on questions of policy such as economic development and other areas which can significantly impact the native people, so I am pleased and honored to introduce members of the truly great Mayan Nation who have suffered truly intolerable conditions with tremendous dignity and who have, in pressing for their rights and would never stop pressing for their rights, have done so with remarkable restraints and have attempted to exhaust all the peaceable means and have gone the extra mile to bring their issues to the Mexican Government.

I am especially pleased that Fernando Hernandez from Tzotzil from San Cristobal del Casas, a man well known by the native people here in the United States for his work on behalf of his Mayan people and his sister, Maria Del Rosario Hernandez, were able to come also from Tzotzil and bring an eye witness and a general statement about the conditions and the wishes and the desires of the Mayan people.

Mr. TORRICELLI. Mr. Hernandez.

STATEMENT OF FERNANDO HERNANDEZ AND MARIA DEL ROSARIO HERNANDEZ, TZOTZIL MAYANS FROM SAN CRISTOBAL DE LAS CASAS, CHIAPAS, MEXICO THROUGH ALEXANDER EWEN, INTERPRETER, A TARCASCAN INDIAN

Mr. HERNANDEZ. I want to begin by thanking Representative Torricelli and members of the subcommittee for inviting me to speak on behalf of my people in this hearing. It is important to un-

derstand the problems in Chiapas, the historical roots beginning with the Spanish invasion of our territory.

This destruction of our communal lands, when the church created feudal lands and the Spanish established *encomiendas*. Both systems used native people as slaves.

Mayan people have stayed strong because they have stayed close to their culture. Despite the oppression of the system, Mayans have preserved their beliefs up to this time. It is really important for people to know that the present struggle is not an isolated event, but it has come to the point where enough is enough.

This is not the first time that Mayan people have risen up against oppression to protect their lands. In the 1700's, Jacinto Canek led an uprising led by Jacinto Perez Pajarito against the Spanish. But for a long time, the Mayan people have kept faith with the government by asking them to resolve the problems of the Mayans. Yet, this has resolved nothing.

We do not believe that violence is the end of the struggle. Problems must be resolved in a peaceful way. For the past 30 years, I have seen the racism against my people. Mayans are forced into the streets when mestizos are on the sidewalk. I have witnessed the changes in my people who become more involved in protecting their language and culture and traditions.

During the 1960's and 1970's, landless mestizos and Mayans formed alliances to resolve the land claims which are at the bottom of this struggle, a struggle common to indigenous peoples across the entire continent.

Last year, from Palenque in Chiapas there was a march to Mexico City to talk to the President of the Republic. After marching 2,000 miles, we arrived, but no one was there to talk to us. This demonstrates how willing the government is to resolve the problems. What the Zapatistas have done is to go one step further, in order to press the government to resolve the land claim issues.

The killing and disappearance of native people in Mexico is a common and daily occurrence. The army goes into communities, burns villages and removes people. It is important to know that repression of indigenous people and landless mestizos is not something new. It has gone on daily and the government does nothing to protect the human rights of the people involved.

The Zapatista movement accurately reflects the wishes of native and Mayan people in Mexico. What I believe is that my people want to live in peace, but peace can only come when the ejido lands are returned and protected under the constitution. It is important to know that in preparation for NAFTA, Salinas abolished the protection of ejidos (communal lands) through a constitutional amendment.

NAFTA should include protection of native lands, culture, traditions and communities. We also want the release of native prisoners and leaders and the end of human rights abuses, not just for our indigenous peoples, but for all Mexicans. What we want is land and to live in peace. We want land and peace and that the Government respect the language, culture and traditions of indigenous peoples and allow us to become more autonomous. Education should be left to our elders and directed by our traditional people in our communities.

I thank you once again for giving me the opportunity to speak to you on a matter of such importance to my people.

Mr. TORRICELLI. Thank you very much for your testimony.

Mr. TORRICELLI. Could I ask the translator what your intention is here? Are you doing this by paragraph?

The INTERPRETER. She will read that much and then I will—

Mr. TORRICELLI. By paragraph?

The INTERPRETER. Yes, it is all one paragraph.

Mr. TORRICELLI. If it is all one paragraph, you are not doing the statement. Break it into portions.

Ms. DEL ROSARIO HERNANDEZ. The Zapatista army arrived the January 1 and had taken over the square in San Cristobal where an infinity of rumors were running rampant that the Zapatistas were thugs, rapists, and murderers, but none of that was true as we were able to see.

Some of the people in the town went to the square where we were able to see that these were native peoples from the communities, peaceful, and we could talk and find out from them or ask from them why they had been led to take up arms. I personally went to some of them and asked them what was the cause of the uprising.

They answered me by saying that they preferred to die fighting than to live another 500 years in hunger and poverty. The people of San Cristobal did not show any fear in the presence of the Zapatista army.

The fear arose on January 2 when the Mexican Army reached the city.

We all tried to be in our house for fear of what might happen. On January 3, the strike began to the south of the city at 5 in the afternoon. It made a tremendous impact. For the first time, I heard a bomb go off.

All of us climbed up on top of our houses to see if the airplanes were going to stop bombing. This lasted 45 minutes. The planes and the helicopters continued to over fly the city.

The people in the communities are asking for peace, but they are also claiming their rights. They do not want promises. They want land.

On January 7, the first march toward the bombed-out communities took place, the communities to the south of the city. All of us were dressed in white, and we reached the community of San Antonio del Coralito. Everything was deserted. The animals were running all over the place. What we found thrown down were envelopes of condoms.

Various committees during the tensest and most difficult days wanted to reach the community of Ocosingo where the armed confrontations were taking place, but the Mexican Army did not authorize passage to go into the area, the zone of conflict.

The days passed and fear grew in the population, especially in the indigenous population which lacks resources and means to survive. The days passed and the—and on the 14th Mr. Salinas de Gortari ordered a cease-fire.

He ordered the army and its tanks out of the city, but instead of the army, he sent in police from the office of the attorney general.

In the city—in the city itself, in the house which was the house of Diego de Masiagos, the whole army was left, was left in that house, but peace did not return to the city. Classes were suspended, businesses closed early out of fear.

And personally, I wanted to leave San Cristobal. My children were afraid. Their constant anguish every time I went to the market for fear that the army would kill me. We could not live in peace because we were not accustomed to the planes, the helicopters, and the military presence in the city.

I, as a Mayan Indian, I desire peace for the Mayan people which is in a situation of struggle at this point in time.

Thank you.

Mr. TORRICELLI. Thank you very much for your testimony, and again for your courage in being with us today. It is our hope to understand more of the motivation of the struggle and its dimensions.

By your testimony, you can be extremely useful to us in gaining this understanding, so let me ask several questions, if I could, and invite either of you to respond. Is it your own impression that support for this rebellion is held by one element of the population or that when these actions were taken, a greater majority was sympathetic?

Help us understand the depth of sympathies by those who did not take up arms.

Mr. HERNANDEZ. I think the problem of the Chiapas has been for so many years and at this time there is a lot of support in the sense of what the Zapatista Liberation Army is doing because it reflects what the indigenous people want, not only in Mexico, but all over this continent, and I believe there is a lot of support coming from the population, and all I can say is that at the beginning of this trial, we are only Mayan people, but hearing what is going on in Oaxaca, I believe that this problem is spreading and that the support is coming more, not only in Mexico, but in different places and that right now the problem of claims is not only the issues of native people, but to all Mexican people.

Mr. TORRICELLI. You have addressed the economic motivation for what has occurred. Help me explain the political motivation. In addition to the desire for land and the ability to sustain some basic decency of life, is the inability of access to the justice system or the political system also a factor?

And if it is a factor, how important does it weigh in this motivation?

Mr. HERNANDEZ. I believe that Mayan people, you know, native people in Mexico have a big demand of the government to resolve these issues, and I believe there is an unwillingness of the Mexican Government to resolve these issues, and what we are asking is that through all these reforms, they can resolve these issues.

I believe that the Mayan people are willing to sit down and talk and to resolve this.

Mr. TORRICELLI. Let me approach it a little differently. I have read that it is the impression of the Mayan people in the region that you cannot go to a court and get fair justice if you are an indigenous person, that if you participate in the political system, it is unlikely that you would be able to vote for or support people who

are also indigenous people, so that they are apart from the judicial and the elective political system. Could you comment on that?

Mr. HERNANDEZ. Yes, I say in the experience of Mayan people that we are the least of the people in Mexico. We are not even looked as part of the system, but we are used in the system. All the votes that the PRI are there and there are names of people who died 20, 30 years ago who are still in the vote list of the PRI, and—but this hasn't allowed Mayan people to be part of the political process in Mexico, and because the Mexican Government has not asked indigenous people to be part of that process, and we cannot get into the system to talk as one-to-one in court, and I think what is important for Mayan people with this is that probably we can gain some recognition as human beings, because in the past we have been treated as animals.

Mr. TORRICELLI. Mrs. Hernandez, if at any point you want to answer any of these questions, please do. Is it the choosing of January 1 for this uprising, is this a coincidence that this is also the day that NAFTA went into effect? Is NAFTA a mere symbol or does it have some substantive importance in the struggle?

Ms. DEL ROSARIO HERNANDEZ. For many of us, this event came as a complete surprise. We did not know that the Mayan people were going to take up arms, but it is very clear that the Mayan people became tired of so many promises and never a reply to any of their petitions.

To the contrary, we have felt deceived by those in the government. We got so tired of the situation that the only alternative to the attitude of the government was to take up arms.

For the last 10 years, we have attempted to engage in a dialogue with the government, including the government of Chiapas state where there is the most want, hunger, and poverty. Never did we receive any response. On the contrary, now there is even less land distribution in the state of Chiapas than before.

Mr. TORRICELLI. Mr. Smith.

Mr. SMITH. Thank you.

Ms. Hernandez and Mr. Hernandez, I want to thank you for your very powerful testimony. You help to give a human face and an eye witness presence to this subcommittee as to what happened in Chiapas and we find it—I find it very moving, and I want to thank you for the very, very fine public service you have performed, not only for the subcommittee, but for the American people who will be watching and paying attention to these proceedings.

I would just ask a couple of questions in follow up to your testimony. How credible and how concerned are you about reprisal, both personally and others who come forward to bring testimony against those who have committed atrocities? Are you—do you feel that the NGO presence, the international presence is necessary to prevent a backlash for your candor and for your courage in coming forward, again, both you and others who likewise are bearing witness to what has happened there?

Mr. HERNANDEZ. I believe that as an indigenous people, since I was born, I was raised, because of the human relations in Mexico, the oppression and repression of indigenous people is something that is understated.

It is my responsibility and it is my choice to come forward to speak in behalf of my people. I am conscious of their repression, that my person, my family, or other peoples who will come forward to speak about this, but we have made the choice, and I think that the Zapatista reflects also that choice, that that was the last thing to do.

I believe the native people don't commit violence lightly, that this—at this time, we have suffered enough, that the only path to follow for the Zapatistas was to take arms and that is—that has been my choice to come here and speak.

Mr. SMITH. Again, I salute you and Ms. Hernandez.

Ms. DEL ROSARIO HERNANDEZ. Within the Mayan population there are many people who would like to come forward and express their views, but they feel fear of reprisal.

At the present time, the situation in Chiapas being what it is, it is not so easy for people to feel that they can come forward freely to testify about the most recent events.

They fear that their family members will be the object of reprisals, so they just don't feel free to express themselves.

I am here because I feel—or rather we are here because we feel that it is so necessary for someone to come and tell what we are living through in the state of Chiapas. I do not know what would happen to me if I go back to Mexico now after having testified here in the Congress.

Mr. SMITH. Let me just say that I know that the Clinton administration and the Congress will be watching very, very carefully as to how you are treated personally and how others who come forward to bear witness again to these atrocities and to the pervasive and ongoing human rights abuses that have occurred, and I think we will speak, both Democrats and Republicans, with one voice, that if anyone injures or retaliates against you personally and, again, against others, we will speak out, and there will be an economic backlash in our relationship with Mexico, and I and I think others will make sure that those—there are concerns that are expressed to the Salinas government and others that it is now a time of reconciliation, not retaliation, and I will do everything humanly possible to pursue that.

Mr. TORRICELLI. Thank you, Mr. Smith.

Before we conclude your testimony, let me leave you with a final question, if I could, and that is your level of confidence that these discussions with the Mexican Government can yield a sufficient result, whether you believe this is a single incident or whether we are entering into a period where both in Chiapas and elsewhere there is a likelihood of conflict and continued insurrection.

Mr. HERNANDEZ. What I believe is that if the Mexican Government don't admit the evolution of the constitution, there is no protection for traditional lands, ejidos lands. Therefore, people will be forced to ask the government to resolve this and—but there is no—there are so many land already taken away by the ranchers, and I don't think that ranchers will be willing to give back these lands, nor any other industry that has already invested in Mexico.

I think that it will need a lot of pressure for this to happen and this these negotiations will come to a peaceful solution.

Ms. DEL ROSARIO HERNANDEZ. I think that what is happening now is all going to end up by improving the situation in Chiapas. I think that the Mexican Government has got to think that what it does now must be to the benefit of the entire country and for the good of all Mexicans.

Mr. TORRICELLI. Thank you both. I hope that as the weeks pass, you will find opportunities to communicate with this subcommittee and share your insights, the progress that is made. I hope too that if members of the subcommittee visit Chiapas, we might have an opportunity to visit with you there and gain your insights as the situation develops.

We thank you again for your cooperation.

The subcommittee finally will hear from our last panel, Juan Mendez, Executive Director, Americas Watch; Carlos Salinas, Amnesty International; Chris Woehr, the News Network International.

Thank you very much for being with us today and for your, patience in what I know has been a long afternoon. I think from watching the subcommittee thus far, you understand the thrust of most of our interests and how we would like to proceed.

It is, of course, late, so we will ask you to get directly to the point, hopefully directly to the points you have heard us express interest in thus far. We will at this point in the record submit all—any written testimony you have submitted in its entirety. Consistent with the committee's rules, please attempt in under 5 minutes to share your thoughts with us and then we will proceed with questions. Mr. Mendez.

STATEMENT OF JUAN MENDEZ, EXECUTIVE DIRECTOR, HUMAN RIGHTS WATCH/AMERICAS WATCH

Mr. MENDEZ. Thank you, Mr. Chairman, and thank you for the invitation to testify. I am Juan Mendez and I am the general counsel of Human Rights Watch and simultaneously, for the time being, the executive director of our Americas Watch division.

I appreciate your submitting our testimony to the record so I won't repeat many of the things that are already here, but I do want to make the point that we have sent a mission to Chiapas last month and we are sending another one next week.

We are about to produce our report and a longer one probably later in the year, all of which we would like to submit to you all and other Members of Congress.

We have heard today about the reasons for this. I would like to submit that for us, the proximate cause of this rebellion has not been so much the lack of clarity and elections in Chiapas, it has not been so much the fact that there is extreme poverty in Chiapas or not so much the fact that there is—there are many conflicts over land and natural resources.

For us the proximate cause is a pervasive culture of human rights violations that has marked the PRI rule in Chiapas. Not only has the PRI continued to govern Chiapas as if the much-touted modernization of Mexico didn't apply there, but it has managed to implicate national institutions in those policies as well. The Mexican Army has been deployed in Chiapas for several years on the pretext of securing the border and of conducting drug interdiction and crop eradication operations.

But in fact the Army has been used to intervene on the side of the *caciques* in disputes over land and natural resources. The *caciques* don't only deliver the vote; they actually own the vote and they own judges and they own prosecutors and, in fact, that is the reason why there was no justice nor real democracy there. The way that Chiapas has been governed is for us the most proximate reason for this human rights crisis that we have before us.

We would like to point out that there has been two distinct moments in the way that the national government responded to the crisis. In the first moment, until January 10, there were very serious violations that have been discussed here. We also want to acknowledge that after January 10, the government of Mr. Salinas has done a remarkable about-face in the way it addressed the problem, and we won't go into the details of that because the State Department representatives have mentioned them, but we do want to signify an important limitation on this second phase, hopeful as it sounds right now.

On January 16, the Mexican Congress issued an amnesty law designed supposedly to persuade the rebels to put down their arms in exchange for nonprosecution. It hasn't had that effect yet, but we are also concerned that by its very broad terms, the amnesty law could be interpreted to allow serious crimes against defenseless persons perpetrated by rebels and by government agents alike to go unpunished.

We are not as sanguine as Ambassador Watson has been here today about believing that the Mexican Government will investigate, prosecute, and punish the abuses that we mention in our report. On the contrary, not only has there not been a public expression from the government to that effect—and if they have made private representations to the American Government, that is very well—we will try to hold them to that promise—but in fact an influential Senator in PRI has talked to the press recently and told them his interpretation of the amnesty law, and that is that once it goes into effect, it will cover all acts of violence by all sides until January 20.

We feel that that will only crystallize the persistent impunity for human rights violations that we have found in many places in Mexico, but particularly in Chiapas.

We agree with the administration, at least finally yesterday and today, Secretary Shattuck has publicly said in the name of the American Government that in fact there have been very serious human rights violations committed by government forces in Chiapas.

Until yesterday at a hearing right in this House, and today, most spokespersons for the administration have denied or at least have avoided saying in the words of the United States that there have been those violations.

The patterns of violations have been discussed, so I will skip over, but I do want to make a point to say that it is not enough in our view for the military prosecutor to announce that he will institute an investigation.

The past experience has not made us any more confident that impunity will be curbed. We think that the Mexican Government has to institute an impartial civilian investigation, investigation of

all the Army actions in Ocosingo and elsewhere, and to disclose the findings of that investigation to the public in a thorough manner as soon as possible.

We also want to point out that we have found violations by the Ejercito Zapatista de Liberacion Nacional. Like in other conflicts in other parts of the world, we hold rebels to the provisions of Common Article III of the Geneva Conventions.

We mentioned some of those in our testimony so in the honor of time, I will go forward with this, but we think that the amnesty is appropriate to cover the act against the State, the offense of rebellion itself, and we hope that it will be applied in that manner so that peace can be reached.

But we don't think it should be so broad as to cover acts against defenseless persons, whether committed by the security forces or by the rebels themselves.

There has been a problem with access to human rights investigations. It is true that a part of the about-face in the government policy has been to allow a better presence of international and domestic NGO's and the press, but we have yet to receive information that we requested in writing from then Attorney General Carpizo on January 10, specifically about information about whether each death is being prosecuted, what are the charges against prisoners, how are the house searches being conducted, whether they satisfy legal requirements or not, and other information of that sort, including specific case information.

We would hope—and we would ask, Mr. Chairman, and the members of your subcommittee, to intercede with the State Department and with the Mexican Government to see if we can get that information because we really need it to assess the situation of human rights in Mexico as it is today.

You will hear from Amnesty International about how promises made about access to prisons particularly have not been completely honored. I think the most important thing, however, to bear in mind here is that the government initially engaged in what can only be called a cover-up of the killing in the Ocosingo marketplace. The PGR, which at that time was still under the leadership of Jorge Carpizo, issued on January 7 a press release that is nothing else but a cover-up trying to exculpate the army and pretending that these five combatants had not been killed off and that the guns used were not army issue.

In fact, CNDH, with the help of international forensic specialists, have reversed that. Unfortunately, CNDH is making a big effort to try to say that there is no discrepancy between their findings and those of the original investigation.

I want to finish basically with just a statement about U.S. policy. We believe that the United States, the Clinton administration has not been as forceful or forthcoming about human rights violations in the context of this conflict as should have been expected from the seriousness of the violations.

We don't doubt that there have been important approaches of a quiet diplomacy kind, but we believe the seriousness of violations that we have heard today warranted a frank and honest and public expression of concern.

That is not, of course, inconsistent with considering the Mexican Government an ally and a friend. In fact, as I said a minute ago, for the first time yesterday and today, a high representative of the Clinton administration has admitted that as of a matter of the government's own investigations, there have been very serious abuses. Until then, there have been only evasions about this.

We would like to recommend just basically three points and——

Mr. TORRICELLI. Mr. Mendez, you are substantially over on time. Go through the three points very quickly if you can. We have a vote on, and in deference to your colleagues, we want to hear from them.

Mr. MENDEZ. We already requested your help in getting the Mexican Government to respond to our information, but there has been information about the illegal use, in violation of conditions, of aircraft leased by the United States to Mexico. We believe that the U.S. Government should tell the Mexican Government that if that violation is found, but especially if there is not a serious inquiry and sanctions and satisfaction of public opinion concerns about all violations committed by the Mexican Army, that the provisions of section 502(b) will put into effect—will be put into effect in the near future.

And, finally, we would ask the State Department to speak out on the issue of accountability, forcefully demanding from the Mexican authorities a breaking of the cycle of impunity.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Mendez appears in the appendix.]

Mr. TORRICELLI. We are going to have to break here for a few minutes to vote. We will return very shortly and continue with Mr. Salinas's testimony. The subcommittee is adjourned temporarily.

[Recess.]

Mr. TORRICELLI. The subcommittee will please come to order.

Mr. Salinas, if you will proceed.

STATEMENT OF CARLOS M. SALINAS, GOVERNMENT PROGRAM OFFICER, LATIN AMERICA & THE CARIBBEAN, AMNESTY INTERNATIONAL

Mr. SALINAS. Thank you, Mr. Chairman. We really appreciate the opportunity to testify.

As you are aware, Amnesty International sent a delegation to the State of Chiapas. We arrived in Chiapas on the January 18 and departed Chiapas on the 22nd.

Before I begin the testimony, I would like to take this opportunity to thank you for your efforts to ensure access of the Amnesty International delegation to the Cerro Hueco penitentiary. I firmly believe that had it not been for your good offices, for your prompt and very significant interventions, chances are the Amnesty delegation would not have entered Cerro Hueco.

I would also like to note that I believe that your intervention has also allowed access to forensic data and forensic observation by independent observers. We are very grateful for that.

I would like to begin by saying that this is not a new problem in Chiapas: Human rights violations of the kind we documented in the last few weeks have been perpetrated by government agents

and local landowners in Chiapas for a long time. In fact, Amnesty International published a report in 1986 that specifically focused on Chiapas and the written testimony notes our documentation.

But first and foremost, I want to make clear that the human rights violations and problems in Chiapas did not begin on January 1 of this year but extend back much further than that.

The delegation was able to visit three specific areas: the communities of Morelia, the community of Chalam del Carmen, and the Cerro Hueco penitentiary. These were the three locations where we compiled testimony.

In Morelia we found that on January 7—that is, one day after the Presidential announcement calling on its security forces to respect human rights safeguards—a combined force of approximately 400 soldiers arrived, rounded up all the men in the village, forced them to lie face down for most of the day, beat them and kicked them, ransacked the hospital, beat some of the women, and forced some of the women to lie face down on the ground.

During this time, they tortured three men for about approximately 5 hours. The men of the village heard their screams from 7 in the morning until noon of that day. They were seen being led away around noon into a military ambulance.

That was the last time they were seen. We believe they have been “disappeared.”

These three were also seen to have been badly beaten. One of them was bleeding profusely from the head. Witnesses indicated that he had been cut on the face and in the ears, and one of the men’s hands hung limply as if his wrist or arm had been broken.

In Chalam del Carmen we found that on January 13, approximately 200 members of the Mexican Army arrived and here too they forced all the men out of their homes, beating down doors, employing a lot of force and proceeded to beat two of the men. This is one day after the cease-fire. And also in Morelia, we must indicate that there was no combat reported in that area at all.

In Cerro Hueco penitentiary, we were able to interview the approximately 70 remaining detainees who all have been denied any kind of due process. We understand that 38—as many as 38 of the 70 may have been released by now. The vast majority had been tortured at one point or the other by the Mexican Army.

They had all been arbitrarily arrested. Many had been deprived of food and water for periods of up to 48 hours, had been incommunicado and had been tortured and ill-treated. In fact, at the time the Amnesty International delegation visited Cerro Hueco penitentiary was one of the first times they were able to talk with outside independent observers. We understand that other delegations attempted to gain access to Cerro Hueco, but were denied access through one reason or another.

I would like to comment also on the statements that we heard from both the congressional end and also the State Department end. We must make very clear that good intentions do not amount to good actions. There has been a long history of sweeping human rights reforms in Mexico. They all seem to respond to some kind of international embarrassment and they all lack true political will.

In 1985, an earthquake shook Mexico and bodies that had been tortured were found in official government buildings which led to

a national outcry which eventually resulted in the 1986 Law to Prevent and Punish Torture. Incidentally, to the best of our knowledge, not one official in Mexico has ever been indicted under this 1986 law despite the fact it had been strengthened through 1992 reforms.

In 1990, the nationally and internationally well-known human rights lawyer, Norma Corona Sapien was murdered, after having received frequent death threats and despite having denounced these threats. In part responding to that, President Salinas formed the National Commission for Human Rights.

As Secretary Shattuck pointed out, the Commission issues recommendations, but we must make clear that that is all the Commission can do. It can investigate and issue recommendations, but what happens with the recommendations is indeed another matter.

We were surprised by Secretary Shattuck's statement that he had evidence that 45 members of the Mexican police had actually been indicted for periods of up to 5 years, specifically for human rights crimes.

We would like to see such evidence. We would like to see under what laws these people were prosecuted, who they were, what cases of human rights violations they refer to, et cetera.

Since the creation of the Commission, Amnesty International and several other human rights organizations, including Americas Watch, have been repeatedly requesting specifics on prosecutions from the Mexican Government and so far none that is satisfactory has been forthcoming.

I would like to point out that there are threats to at least 10 known human rights defenders, monitors, lawyers, as well as death threats aimed at the Archbishop, Samuel Ruiz. We are very concerned about that, as well as threats aimed at least 12 villagers of Morelia.

I would also like to echo Mr. Mendez's concerns about the amnesty law. While we have no specific details on how the government intends to implement said amnesty law, we certainly hope that this law is not used to prevent effective prosecution of human rights violators.

Mr. Chairman, I have taken the liberty of handing you some pictures that I would like to make specific reference to. We believe that these represent fairly strong indication—we wouldn't say proof because we are not a jury, we are not a court—but very conclusive evidence that the Ocosingo Five, as they have come to be known, were extrajudicially executed by the Mexican Army. I refer to these pictures here of the bodies found lying on the marketplace in Ocosingo.

This picture is particularly significant as it shows cuts on the wrists. These should be under Exhibit A.

Under Exhibit B, you will find pictures of a detainee in Cerro Hueco Prison. He had also been picked up in Ocosingo, and clearly visible are the scarring tissue where he was bound in the same form that the Ocosingo Five were found. In fact, the testimonies of those at Cerro Hueco and others that had come out from Cerro Hueco all indicated that they had been bound in the same form.

Also, please notice that they are lying face down and also notice that they are without any shoes. The part of the shoes is signifi-

cant as many of the Cerro Hueco detainees also indicated that one of the first actions the Mexican Army had done upon their apprehension was to remove their shoes.

And, finally, coupled with the circumstantial evidence are the findings of independent forensic experts which indicate an extrajudicial execution. These findings indicate a single weapon of a 9-millimeter caliber; and apparently, 9-millimeter caliber has recently been introduced in the officer corps of the Mexican Army.

These pictures I show to you because we believe that these people were extrajudicially executed by the Mexican Army.

The other pictures that I have given you show the evidence of the ransacking of the hospital of Morelia; and finally, to underscore the need for a truly impartial and effective investigation, I have shown you pictures of a burnt-out truck that is outside of the city of Altamirano. This truck contained calcinated human remains.

The official version of events was that those calcinated remains were those of agents of the state. We found it odd though that after weeks their remains would still be left on the side of the road despite heavy military presence and that their remains wouldn't have been turned over to loved ones.

Other reports indicated that they were remains of people that had been disappeared by the Mexican Army. This underscores the need for an effective investigation to really come up with a full picture of what, in fact, did happen in Chiapas following the armed uprising by the Zapatista army.

We must also express concern about the fact that at no time did we find any indication of any Zapatista combatant prisoners or wounded despite our inquiries into the whereabouts of any prisoners or wounded. We find it odd that in a confrontation there would be no prisoners caught in combat or wounded.

And, finally, we also did not find any evidence of extrajudicial executions, use of torture or other forms of similar treatment by the Zapatista army. Unfortunately, we found a plethora of evidence indicating the involvement of the Mexican Army in such actions.

Thank you very much.

Mr. TORRICELLI. Thank you, Mr. Salinas.

[The prepared statement of Mr. Salinas appears in the appendix.]

Mr. TORRICELLI. Ms. Woehr.

STATEMENT OF CHRIS L. WOEHR, EXECUTIVE EDITOR, NEWS NETWORK INTERNATIONAL

Ms. WOEHR. Thank you, Mr. Chairman. I represent a news agency that monitors exclusively religious liberty issues worldwide. Last year we monitored problems in over 66 countries and filed nearly 400 reports concerning these types of issues.

My presence here today is strictly as a witness. I don't want to say that I am an advocate because I am not; I am strictly a journalist that has been following problems in Mexico since 1983.

I would concur with everything that the previous two witnesses have said, but I would simply add that there is another aspect to the problem in Mexico which has not been addressed fully nor even partially today which needs to be addressed because it is a valid issue.

It is no surprise to me personally that the uprising occurred. From the days that I used to travel around the border area in southern Mexico, I was aware that there was insurgency activity. Also the fact that the problems in southern Mexico, particularly in Chiapas, with regard to human rights are so extreme, I am really quite surprised that this uprising did not occur sooner.

Essentially, all of it boils down to this. There is a complete lack of political will among the government in Chiapas to enforce the law. In my opinion, Mexico has all the human rights mechanisms necessary to maintain human rights, but it lacks the will to enforce it. In my opinion, the best-kept secret in southern Mexico and in Mexico entirely today is the fact that religiously motivated persecution continues unabated without any clear effort to try to stop it.

There have been some intentions. There have been hearings, and covenants have been signed, particularly in San Cristobal de las Casas with regard to the Chamula Indians, but these have not been enforced in any way, shape or form except for one community about 30 miles outside of San Cristobal. There, individuals who were forcibly expelled from their community were allowed to return and they were compensated for their losses.

When we talk about individuals being removed from their homes, I think that is rather a very shallow way of describing what actually happens. Essentially, for the past 30 years, individuals who have chosen to change their faith to something other than Catholicism have been exposed to illegal arrests, they have been harassed on a daily basis, they have been banned from expressing their faith completely, the ability to sing gospel music, and to listen to gospel music, to invite evangelists to come and preach to their congregations.

There have been cases of assault and battery and even homicide. I would refer to the case of the murder of Melecio Gomez in 1992 in which the prosecutor refused to open an investigation; and it wasn't until 2 weeks later that another prosecutor was appointed. By then, all of the suspects, pointed out by eye witnesses, had plenty of time to flee.

Essentially, in the southern Mexico highlands, there is a schizophrenic view of the law. The Caciques, or the municipal leaders, view traditional law as far more important than constitutional law. Therefore, it is very, very difficult to call on the authorities to enforce constitutional law because they say that traditional law reigns in the indigenous areas. Therefore, if you are an individual that wants to express your faith in a certain way, and individuals come against you because of that, the government simply washes its hands of the matter.

This year, there have been 54 complaints brought before the state government, and not a single one of them have been heard or acted upon. In September, and in December, evangelicals met with President Carlos Salinas de Gortari, and nothing came of those meetings except talk. That is why I feel rather pessimistic about the optimism of the U.S. Government witnesses who were here previous to me saying that due process will be applied and that human rights will be upheld.

I feel rather pessimistic about that because I don't see any previous evidence of or precedent in which this has happened; and the

only thing that I think at this point gives some hope is this, and that is that the new appointment of the interim governor of Chiapas, as well as secretary of state for Chiapas, are both individuals who are greatly respected. There are high hopes that these men will try to resolve these problems, and that over 20,000 individuals who have been evicted from their homes will be allowed to return.

When we talk about forced evictions, it is important to recognize that these are violent acts of terrorism which are allowed to go unpunished. We are talking about loss of homelands, about losing contact with their land, their animals, their personal property; in many cases, their homes have been burned down. They have nothing to go back to, and so there needs to be reparation.

Right now, there are about 1,000 homeless individuals who are in the San Cristobal area awaiting government response. My sources indicate that if there is no response in this 10-month period before the next regularly scheduled elections, Protestant leaders say that they are going to lose control over the evangelical population. Such is the frustration of the indigenous church, that if their needs are not addressed there is a possibility that the Zapatistas will win them over to their cause.

In this 10-month window, there is an opportunity to regain the trust particularly of the Protestants of Chiapas. In the case that their issues are not addressed, there is a chance that they will leave the sidelines and join the armed revolt, and I would also say that from personal experience, the problems of Chiapas could be repeated in Puebla state, just as in Oaxaca, and Hidalgo states. There is quite a lot of dissension there. The evangelical Protestant population of Chiapas is one of the largest in Mexico and could represent as much as 50 percent of the population in Chiapas state. That is a significant statistic. In your opening comments, you mentioned that there have been three arbitrary arrests—I hope I didn't misunderstand you—for the year in 1993 in Chiapas. In actual fact, there have been dozens and dozens and dozens of arbitrary arrests of individuals who have been beaten and evicted from their homes all without any intervention by the state government.

Thank you for the opportunity to present an aspect of the problems which have led to the recent turmoil in Chiapas. I think that problems facing evangelicals there are important issues to be considered.

[The prepared statement of Ms. Woehr appears in the appendix.]

Mr. SMITH. Thank you very much. I want to thank our three witnesses for your expert testimony. It is very, very helpful to this subcommittee as we look at this issue.

Mr. Salinas, did you mentioned a request for Mr. Shattuck's documentation as to how many convictions have been made?

Mr. SALINAS. Yes, convictions that are specifically human rights related; not convictions on corruption or abuse of authority or the many other types of convictions that the Public Ministry obtains.

Mr. SMITH. I would ask that the subcommittee request that information from Mr. Shattuck's office and make that a part of the record.

Mr. TORRICELLI. It will be in the record at this point.

[The information appears in the appendix.]

Mr. SMITH. In terms of the investigations, I sense that you do not have much confidence that due process rights are being respected. Do you think it is possible that the government would consider requesting that group like Interpol to investigate, just as Nicaragua invited them after that cache explosion in Santa Rosa? Would that be helpful?

Is it a lack of experience and expertise in terms of investigators that is the problem? Or once evidence is brought to light, are the necessary follow-up actions not taken in order to get convictions?

Mr. SALINAS. Our experience has been that there is not a problem with the investigations. It is always with the follow-up. The CNDH has the capacity and ability to carry out effective investigations. It is only when we get into other interests intervening that we encounter any problem whatsoever, particularly in Chiapas as well as the rest of Mexico.

The main problem is impunity. The CNDH can carry out a first class investigation. They have to be sure it is impartial, verifiable, and not behind closed doors. But in the end there has to be some kind of follow through so that it is not left up in the air and that those who are criminally responsible are indeed prosecuted.

Mr. MENENDEZ. I agree with what my colleague has said. The problem is not lack of expertise on investigations. Mexico has many very good jurists and investigators. Also it would not help, I don't think, to try to inject an international dimension to what is really a state responsibility.

It is the Mexican state that has to live up to its obligations under international and domestic law.

The problem of immunity is not the lack of expertise to investigate. The problem of immunity is the lack of political will to follow through with those investigations.

CNDH has followed through with many investigations. The real problem has been the lack of follow through. That is the responsibility of the state.

Mr. SMITH. Ms. Woehr, what publicity does the government issue at various levels with regard to religious persecution? Who is actually evicting these people because of their conversions or changes in faith?

Ms. WOHR. It is not the people, the villagers themselves. In fact, they have indicated overwhelmingly they are against the expulsions because it is very upsetting to the community. It is the municipal indigenous leaders who are 100 percent responsible for these convictions and they act with complete impunity.

Mr. SMITH. Do the municipal leaders use the change of religious belief as a pretense to obtain their properties or is it motivated by a religious tenet?

Ms. WOHR. I think that is it. It is a wonderful way for them to take over more land. They hide it and cloak it in cultural problems and say since they are no longer practicing, they become an anathema to their culture.

In fact, the Protestants have agreed to participate in festivals and certain things. They balk at purchasing icons from the local Roman Catholic Church or participating in mass drunkenness. However, beyond that they have no problem in participating in

community projects, building roads and things like that, so essentially this is a pretext for taking over their properties.

The changing of religion has not proven to be disruptive to the community. In the highlands of Chiapas there are entire communities that have become Protestant. In those communities there is complete peace.

Mr. SMITH. Earlier Ms. Woehr indicated that she felt the violence could spread to other areas and a few were named by Mr. Mendez and Mr. Salinas. Do you agree that we have just seen the beginning of something here?

Mr. SALINAS. I am not sure if it is the beginning or the continuation. The conflicts between the state or state supporters and indigenous peasants over land is one that is not restricted to Chiapas, but spread throughout Mexico especially where there are indigenous communities. In Oaxaca there is a long history of indigenous peasants trying to put their demands to the local municipal authorities and having these authorities respond with violence.

As far as will this spread, unfortunately the problem is everywhere else. It is really up to the government to tackle this conflict with transparency, ensuring there is no impunity so people can have some kind of faith in the authorities.

We believe that impunity among other causes is one of the principal factors that lead to this rebellion. When people get pushed too far, they react.

Mr. MENDEZ. We believe that the conditions that exist in Chiapas exist in Mexico, too, perhaps not everywhere. They exist in Oaxaca certainly and in a region called Huasteca in Vera Cruz and Hidalgo. It is hard to predict that something like that will happen.

As I say in my written testimony, Chiapas is not an aberration. The way Chiapas has been governed which is, as we say, the proximate cause of this rebellion, is not an aberration. The Chiapas PRI is not different from the general PRI. It is also true and it is fair to say that the failures of PRI governance in Mexico are most extreme in Chiapas than anywhere else. So I think that is a very good reason why this rebellion erupted in Chiapas.

I think it will depend on the attitude of the central government especially that the reaction to this and the possibilities of achieving a lasting peace are not simply absence of war. That will have, I think, the most important bearing on whether these things will happen elsewhere or not.

Mr. SMITH. How would you characterize the basis for EZLN? Is it strong among the indigenous peoples, even if they disagree with the means perhaps? Is there a sense that it is correct? Are they optimistic?

Mr. MENDEZ. According to our mission it seems to have struck a sympathetic chord. First of all, it is not our job as human rights organizations to try to ascertain the popularity of an insurgent group, so we don't particularly look at it.

The capacity to operate, that the EZLN demonstrated, can only be explained if there has been at least an ability to strike a chord. We will also have to see. It depends also on the next few weeks whether people, the people will also be looking at the attitudes not only of the government, but also of the EZLN and the popularity

and these kind of things is sometimes fleeting. It is very difficult to ascertain from this perspective right now.

Mr. SALINAS. One thing that I was able to witness was that a lot of groups—nongovernmental cooperative groups and indigenous peasant groups—made it clear they did not agree with the Zapatista methods; that is, violence and armed struggle.

However, they would also in the same breath make clear they agreed that the basic problems that the Zapatistas were calling attention to were the problems of impunity, the problem with land, the problem of access to health care, et cetera.

Ms. WOEHR. I would agree. I would add one point and that is that the indigenous population is incredibly long suffering. The evidence of this is the fact that today in the Indian Affairs Office in San Cristobal there have been several hundred Protestants who have been sitting there since September waiting for their issues to be heard at the very least.

When the Zapatistas went to the Indian Affairs Office on January 1 and encouraged them to join their struggle saying why are you so patient, they simply responded, "we want to exhaust every political or every judicial means before we go that route," and they are still there. They have not joined. They are going to wait and see what happens in this interim period. That is why this is an incredibly crucial time.

Mr. SMITH. I sense, Mr. Mendez, that you were not in favor of the amnesty. I have asked for a definition of the amnesty but perhaps no one except for the Government of Mexico itself, knows exactly what that means.

What should we be conveying to the Mexicans in terms of an amnesty? Assuming that some type of amnesty would be in place, how do we separate out those who have committed abuses, and make sure that, as you noted in your testimony, we don't sweep abuses under the rug.

Mr. MENDEZ. Americas Watch does support amnesty for the purposes of seeking reconciliation and ending the conflict. We believe that the proper amnesty that can achieve that goal is an amnesty for the crimes committed against the state; that is, basically the crime which is an offense, of course, of rebellion or sedition, but not for crimes committed against individuals.

We have taken this position in many different contexts, as in El Salvador and Nicaragua. Unfortunately, we have seen that sweeping amnesties have the effect of leaving wounds open even after a so-called peace has been achieved. We think not only for practical reasons, but also ethical and even legal grounds, an amnesty that would have the effect of condoning or immunizing from prosecution, crimes that can be categorized as crimes against humanity, such as extrajudicial execution or disappearances or massive cases of torture or grave breaches of the laws of war like aerial bombardments and killing of surrendered soldiers; an amnesty that would have that effect would be a violation of an emerging principle in international law that states have an affirmative obligation to investigate, prosecute and punish such grave abuses.

Mr. SALINAS. I believe that one of the most effective things the U.S. Government can do with regards to the amnesty law is to publicly express concern that it not be implemented to prevent the

prosecution of human rights violators. A public statement making it very clear that it is the position of the U.S. Government not to condone giving the de facto impunity that has existed in Mexico all these years the official seal of approval of an amnesty law.

Mr. SMITH. Let me conclude by saying thank you for your fine testimony.

Ms. Woehr, I want to publicly thank you for making me aware of what was going on in Chiapas and bringing many of those cases of religious persecution to my attention and we have followed up, as you well know, with a number of government officials.

Unfortunately, we have not had success, but it was because of your advocacy and I appreciate that.

Ms. WOEHR. I would just say that I disagree. It has been successful in the sense that it has brought to their attention that this is an issue that is not going to go away.

What has been very, very important about the actions that you have taken have been to internationalize the issue and raise its profile. It has been extremely useful.

Mr. TORRICELLI. Before we adjourn, Mr. Salinas, are you getting full access to each of the jails?

Mr. SALINAS. It was after your intervention that we were able to enter.

Mr. TORRICELLI. I was not looking for a compliment. I just wanted to know. Is it not open?

Mr. SALINAS. There have been some reported irregularities, but certainly the access is much broader than it was before.

Mr. TORRICELLI. Is a list issued of all those who are being detained?

Mr. SALINAS. Not to our knowledge. There is a question of are there any detained Zapatistas captured during combat and there is no knowledge of that.

Mr. MENDEZ. The CNDH has published a list of people who have been submitted to the courts. Unfortunately, it only gives names. It doesn't say on what grounds or what charges. It doesn't say on what evidence. That is the kind of information we are seeking and that we would like to enlist your help on.

Mr. TORRICELLI. Mr. Salinas, I want to be sure I understand you properly. You made a comment about the numbers of wounded.

Mr. SALINAS. Exactly.

Mr. TORRICELLI. Mexico is not holding any wounded?

Mr. SALINAS. We requested and did not receive any information or any list of any Zapatista wounded anywhere.

Mr. TORRICELLI. I will ask subcommittee staff to contact the Mexican Embassy tomorrow and ask for a list of those detained as having been a part of the uprising and a list of all those wounded. It would be an extraordinary conclusion of this if as a result of all this fighting there were no wounded apprehended.

Mr. SALINAS. Mr. Chairman, on the list of those detained, if you would specify that it include those detained in addition to those detained in Cerro Hueco. From what we were able to gather, those in Cerro Hueco had not participated in any kind of combat whatsoever.

Mr. TORRICELLI. Is it your interpretation of the Mexican Government's discussion of amnesty that it would include those who committed the military executions?

Mr. MENDEZ. Yes, that is right.

Mr. TORRICELLI. I had the assumption that that was outside of what they were proposing.

Mr. MENDEZ. This terms of the text of the law are vague enough that it might be interpreted that way. What I am concerned about is that just in the last couple of days in interviews with foreign press, PRI senators, particularly Senator Miguel Aleman, has said that once the amnesty goes into effect—and we have to be reminded that it doesn't go into effect until the Zapatistas start surrendering weapons—once it goes into effect it covers all acts of violence committed by every side. That would be a violation.

Mr. TORRICELLI. Have there be any arrests to the date of any Mexican military officers concerning any of these abuses?

Mr. MENDEZ. The government has produced many press releases on these things.

Mr. TORRICELLI. But there have been no arrests?

Mr. MENDEZ. The most they have said is that the military prosecutor is investigating them and there have been some autopsies, but no indictments and no arrests that I know of.

Mr. TORRICELLI. Let me urge you to continue communicating with the subcommittee and giving us information as you receive it on those incarcerated if you have continued problems with access to jails that we might work together.

Thank you each for being with us today.

This hearing is adjourned.

[Whereupon, at 6:05 p.m., the subcommittee was adjourned.]

APPENDIX

OPENING STATEMENT

REP. ROBERT G. TORRICELLI

CHAIRMAN, SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

HEARING ON THE CHIAPAS UPRISING

FEBRUARY 2, 1994

The violence that erupted in Chiapas, Mexico, on New Year's Day has raised several pressing questions about United States policy towards Mexico, and about the treatment of indigenous peoples by the Mexican government. We intend today to answer some of those questions.

Events in Mexico and Canada have always been important to the United States. But with the signing of the North American Free Trade Agreement, these events now take on special meaning.

Obviously, Mexico is still a sovereign nation with the right to attend to its own internal matters. But when the United States, Mexico and Canada signed NAFTA, we entered into an economic union. That union not only gives us the right, but the responsibility, to insist that democratic processes are followed, that human rights are respected, and that political and economic stability is maintained in Mexico.

If the uprising in Chiapas is a precursor to a long period of instability, then that will have an impact on our economy. American businesses need to know about it, and the United States government must do something about it. Indeed, we must demand whatever political, economic and judicial reforms are necessary to ensure that American business investments are safe and that the rights of Mexican laborers and indigenous peoples are protected.

Unfortunately, there is still a great deal about the rebellion in Chiapas that we do not know. What we do know is that a group of about 2,000 armed rebels calling itself the Zapatista Army of National Liberation declared war on the government of Carlos Salinas de Gortari. The guerilla group says its aim is to redress human rights abuses, discrimination and lack of opportunity for indigenous peoples, who constitute 30 percent of Mexico's population. Its initial attack was timed to coincide with Mexico's official entry into NAFTA, which the Zapatistas called a death sentence for Indians.

We also know that Chiapas is astonishingly poor. Only 67% of the households in Chiapas have electricity. Only 41% have access to sewers, and only 48% have access to running water. Chiapas also ranks last among Mexican states in several educational statistics, including the number of children under 14 who attend school -- 71% -- and the number of people over 14 who can read -- 70%.

We know that Chiapas has a dismal history of human rights abuse, and that in 1993 alone there were at least three documented cases of arbitrary arrests and tortures in Indian villages in Chiapas. And we know that not only has recent economic expansion in Mexico not filtered through to the indigenous population, but that NAFTA promises even more economic harm.

The central questions that we will be asking today are how bad are the conditions in Mexico for the Indian population, how widespread is the unrest, and what is the United States government prepared to do to encourage Mexico to remedy those conditions. We will be asking those questions to two representatives from the Clinton Administration, two residents of Chiapas, Mexico, and a panel of human rights investigators. We are also pleased to hear testimony from our colleague, Representative Joseph Kennedy, who travelled to Chiapas last month.

Unfortunately, the worst fears of many of us in Congress who opposed NAFTA were confirmed by the Chiapas rebellion. I argued at the time that there is an important difference between seeking opportunity for ourselves and taking advantage of the exploitation of others. It certainly appears that the indigenous peoples of southern Mexico are being exploited, and that the promises associated with NAFTA do not apply to them.

It is particularly troubling to learn that this rebellion was brewing for several years, and that gross human rights violations against indigenous peoples in southern Mexico have been occurring for quite some time. We will be asking the Clinton Administration if it knew the extent of the human rights abuses that have been occurring in southern Mexico. And, assuming that it did, we will ask why the Administration did not place more pressure on the Salinas government to address this situation during negotiation of the NAFTA side agreements.

We will also ask whether the Administration intends to carry out its commitment to use NAFTA as leverage to demand human rights reforms in Mexico. Amnesty International and America's Watch, both of whom we will hear from today, recently sent teams to Chiapas to investigate human rights abuses. Both will report that serious violations of human rights did occur in the days immediately following the uprising. Indeed, there are now confirmed reports that entire villages were rounded up, beaten and tortured.

While gross violations of human rights appear to have subsided, investigators continue to experience frustration gaining access to prisons and to autopsy reports and forensic information. The Mexican government must provide international investigators full access to such information. It also must commit fully to prosecuting those who are found guilty of human rights violations.

It is important to note that so far, the Salinas government has said the right things. It has indicated a willingness to negotiate with the rebels and to address the poor economic conditions of the indigenous population. It has also announced a series of electoral reforms.

But we must demand more than words. The congressional debate on NAFTA may have concluded, but the American public remains divided. All Americans must come to believe that NAFTA is not only in their best interest, but in the best interest of the Mexican people and the Canadian people. NAFTA contains an escape clause that preserves the right of any country to drop out of the agreement after a six-month notification. The Mexican government must realize that escape clause could be utilized if human rights abuses continue and if economic grievances are ignored.

The Mexican government has a choice. It can either take the events in Chiapas as a warning and as an impetus to improve conditions for the Indian population and foster political, judicial and economic reform; or, it can continue to be insensitive to the plight of Indian peoples and use force and oppression against them. This Administration, this Congress, and the American people can do a great deal to ensure that Mexico makes the right choice.

PREPARED STATEMENT OF REPRESENTATIVE JOSEPH P. KENNEDY II
 before the
 Subcommittee on Western Hemisphere Affairs
 U.S. House of Representatives
 Washington, D.C.
 February 2, 1994

In mid-January, at a remote refugee camp in Southern Mexico, an indigenous Indian farmer whose family ekes out a hard living growing corn in the isolated highlands told me the story of how he was driven from his home. The army swept through his village -- a village that the U.S. Embassy said was not involved in the recent uprising. They ransacked his simple home, stealing money and other precious family belongings. Soldiers beat him, leaving raised welts on his face and shoulders and then disappeared, moving on to the next community.

In the small town of Altamirano -- the site of a pitched battle between the Mexican army and rebels -- I visited a hospital and saw a mask of pain on the faces of two young girls. They were not hurt in the fighting, I was told. In a land rich in agriculture, they were suffering from hunger, mankind's oldest enemy.

The New Year's Day revolt in Chiapas, Mexico's poorest state, put the world on notice that the drive to lift a developing economy into the ranks of the world's industrial powers cannot come at the continuing expense of human and democratic rights and gaping social inequality.

In the wake of the insurgency by thousands of guerrillas of the Zapatista National Liberation Army, we cannot fail to see what the Mexican people themselves have recognized -- that real economic reform is not possible without redeeming the promise of the 1910 revolution that gave hope to the poor and dispossessed of Mexico.

The fundamental lack of democracy and justice in Mexico, not only for the 1.2 million Mayan Indians of Chiapas, but for the country as a whole, lies at the heart of the revolution and forms the central challenge to the government: as it takes up the reforms promised under the NAFTA agreement.

If millions of Mexicans are excluded from the benefits of economic growth, facing a political system that is often unresponsive to legitimate demands, courts that cannot redress their grievances, and military and police forces that threaten rather than protect their basic human rights, then the foundations of prosperity and stability will never be secure.

During a visit to the country in January to explore trade opportunities for Bay State environmental firms and tour the troubled Chiapas region, I was struck by the two Mexicos I saw. There was the Mexico of wealth and sophistication, of gleaming office suites and thriving business activity. Then there was the Mexico of poverty and struggle, a Third World enclave separated by language and culture from the powerful landowners and industrialists who rule the nation.

In some ways, it reminded me of my own Congressional district, where some of the largest banks and insurance companies do business in sight of our city's poorest citizens but never with them. This chasm is defined by racial as well as economic factors.

To their credit, Mexican President Salinas and Jorge Madrazo, chairman of the National Human Rights Commission, openly acknowledged the need to move swiftly to address the glaring inequalities in Mexican society.

I believe there are two major areas of reform that must take place.

First and foremost is human rights. Along with other groups, the Minnesota Advocates for Human Rights has highlighted arbitrary searches, detentions, interrogations and torture of indigenous people by the military and police -- a record of intimidation that predates the recent uprising and stretches back for years.

Last March, for example, after the disappearance of two soldiers, some 400 soldiers and police detained, searched and beat civilians in two indian villages in Chiapas, torturing a number of people in detention. At the end of April the army returned, again looting homes, interrogating and torturing villagers. When the police raided the same village in May they found it deserted.

Meanwhile, Mexico's National Human Rights Commission has all too often been ineffective and in some cases may have stonewalled investigations, serving to cover up rather than uncover official abuses.

The commission can receive complaints from any group or individual but is prohibited from investigating labor or political disputes or judicial conduct. It can make recommendations to state governors but has no statutory power to enforce those recommendations or carry out prosecutions. The commission has a reputation for being aggressive in situations where the government has taken a political decision to be firm, but cautious in investigating cases that involve abuses by the army or that may be embarrassing to the ruling Institutional Revolutionary Party (PRI).

Under these circumstances it is difficult to see how the process can work with the full confidence of the Mexican people.

Secondly, the process of democratization must be accelerated. The people of Chiapas obviously feel that generations of one-party rule does not work. Thousands have been involved in peasant unions and other civic associations organized to press peaceably for defense of their culture and means of livelihood. But for the struggling Indians in particular, the ballot box as a vehicle of change has been a dead-end street.

The Zapatista National Liberation Army made this clear in its communique released the day of the revolt: "The serious state of poverty shared by our compatriots has a common cause, lack of liberty and democracy. We consider genuine respect for liberty and the democratic will of the people to be indispensable for the improvement of economic and social conditions."

The Salinas government spent over \$50 million in Chiapas for economic reform that essentially benefited wealthy ranchers and party regulars -- concrete proof of the need for systematic reform.

Last week, President Salinas took an important step in this direction, when the government and eight political parties signed an accord for sweeping electoral reforms, which will be tested in the unfolding campaigns for the August 21st national elections. The January 27th accord recognizes that the next elections must be seen to be free and fair by the Mexican people -- no matter who wins -- or the country will face continuing unrest.

Terrorized and tortured Indians, starving people in a land rich with agriculture, the lack of judicial rights, the inability of peasants to own land, the illegal expropriation of property -- these are symptoms of a greater shortcoming: the absence of democracy's protective barrier that defends the people from the powers of the state and local elites.

In the short term the Mexican government can throw money at the problem but over time nothing can stop the need for real democratic reform.

I went to Mexico as a friend, someone who has travelled there many times over the last 20 years. I have been a strong advocate of debt reform, I have worked with PEMEX in importing crude oil to the U.S. and have continued to have tremendous respect for Mexican autonomy and self-determination.

Those who would call for China-like sanctions I believe miss the point.

Mexico is our friend. Its people are committed to democracy. The United States has very pressing interests -- morally, politically and economically -- in maintaining a close partnership with Mexico and in the success of efforts to heal its society's wounds and pursue a path of equitable development. As a friend and a neighbor we have an obligation to offer constructive criticism and to support their efforts to achieve the dream of democracy, social justice and respect for human rights.

President Salinas' choice of Jorge Carpizo to serve as Minister of the Interior and Manuel Camacho to handle negotiations with the rebels were extremely promising. And I think it is particularly important that the President travelled to Chiapas last week to hear first hand from representatives of hundreds of peasant groups who were not involved in the uprising. They told him directly of a history of abuse, discrimination and inequality that will take years to overcome.

In the end, Mexico will succeed in closing the divisions and setting the groundwork for stable and equitable development when Mayan farmers no longer fear the whims of the army, police or local landlords, and when the young descendants of a proud culture no longer suffer the pangs of hunger in a land rich in bounty.

PREPARED STATEMENT OF ALEXANDER F. WATSON
 Assistant Secretary of State
 before the
 Subcommittee on Western Hemisphere Affairs
 Committee on Foreign Affairs
 U.S. House of Representatives
 Washington, D.C.
 February 2, 1994

Mr. Chairman, members of the Subcommittee, I appreciate this opportunity to appear before you today to discuss the implications of the recent events in the southern state of Chiapas for U.S.-Mexican relations.

I would like to begin today by underscoring the fact that never before in history has the United States enjoyed better relations with its neighbor to the south and third largest trading partner. The ratification of the NAFTA treaty symbolizes the new opportunities in our often complicated and strained partnership, one in which Mexico has often charted a course in domestic and foreign policy at variance with that of the United States. The end of the cold war, dramatic transformations in Mexican economic policy, the beginnings of liberalization of the Mexican political system and a growing awareness on the part of the United States of the importance of Mexico and Latin America to U.S. national interests, have brought the U.S. and Mexico closer together in many ways. These promise to contribute to a growing and solid relationship based on mutual trust and commonality of interests.

I would like to highlight, Mr. Chairman, that improved relations with Mexico parallel a fundamental change in the overall relations of the United States with Latin America. After a difficult decade of economic reversals, the region has implemented far reaching political and economic reforms that have contributed to an economic upturn that has attracted investors worldwide. Mexico has led the way on many of these initiatives and we are confident that the implementation of NAFTA will open up further opportunities for investment, while adding to our capacity to export to its growing domestic market.

At the same time, the uprising in Chiapas illustrates the serious challenges Mexico and other countries in the region face in addressing the still unresolved issues of poverty and lack of opportunity for important sectors of society. The legitimate grievances of the people of southern Mexico were neither caused by NAFTA, nor should NAFTA be in any way compromised by these developments. Indeed, the events in Chiapas demonstrated more clearly than ever the need for

NAFTA. With NAFTA, Mexico will continue on the path of free market reform, providing the private sector with strong incentives to energize the country's economy and attract foreign investment. With NAFTA, Mexico will be drawn more into the Western community of nations, one in which free-market reforms are closely linked with the political legitimacy that stems from open, free and democratic politics. The United States is confident that the Mexican government has responded to the situation in Chiapas in a forthcoming and responsible way. We hope that developments since the Chiapas uprising will further enhance democratic reform, rather than jeopardize it. I will return to these points during the course of my testimony.

CHIAPAS UPRISING

On the first of January, a group of armed insurgents of the self-proclaimed Zapatista Army of National Liberation, or EZLN by its Spanish acronym, launched attacks on four municipalities in the southern Mexican state of Chiapas: Ocosingo, Las Margaritas, Altamirano and San Cristobal de las Casas, the second largest city in the state and an important religious, commercial and tourist center. Government offices were seized, records and property destroyed, prisons stormed and prisoners released. An attack was also launched on the Mexican army camp of Rancho Nuevo, some 10 kilometers outside of San Cristobal.

Although the Mexican government had known of guerrilla activity in the region for some time, the composition of the guerrilla group, the timing, and the scope of the attack took the Mexican army and governmental authorities by surprise. We too were aware of reports of groups, some armed, in Chiapas, though exact size, identity and motives were not known. We were equally surprised by the ferocity of the January 1 attacks and the size of the EZLN forces.

The geography of Chiapas favored the formation in secrecy of the EZLN. Separated from much of the rest of Mexico by mountains and forest, Chiapas shares a long border with Guatemala. For years, indigenous people from Guatemala have crossed into Chiapas to escape fighting between local insurgents and the Guatemalan government. Currently, more than 40,000 Guatemalan refugees reside in temporary refugee camps in southern Mexico, many in Chiapas. Thousands more who fled to southern Mexico are residing in towns and cities in Chiapas and neighboring states. Guatemalan insurgents have been suspected of seeking sanctuary in the Chiapas interior and -- together with international drug traffickers (who transit the state) or common bandits -- could have accounted for the earlier sightings reported in Chiapas.

First reports out of Mexico suggested that, while many of the fighters were drawn from local Indian groups, the leadership may have come from Mexico City or from outside

Mexico, particularly the guerrilla groups in neighboring Guatemala. It appears, however, that there were no organic ties with any foreign group or movement. The Mexican government, which has been a prime facilitator of the peace process in Guatemala, concluded that there were no links between the EZLN and the Guatemalan URNG.

The Mexican Government's initial hesitation to counterattack the rebel offensive was followed by a firm response to the uprising. By January 5, the Mexican army had reestablished control of the municipalities attacked on New Year's Day. Some human rights abuses may have occurred in connection with the retaking of these municipalities. The insurgents took several hostages, including a former governor of Chiapas, and retreated to remote hamlets and rural areas. Security forces pursued them with helicopter gunships and other aircraft, strafing and firing rockets at suspected rebel positions. It was during this period of stepped up military action that other human rights abuses are reported to have occurred.

Our Embassy moved quickly in response to the events in Chiapas. Embassy personnel arrived in San Cristobal and the state capital Tuxtla Gutierrez on January 2, the day after the beginning of the uprising, to provide assistance to U.S. citizens in the area and assess the unfolding developments. Our embassy in Mexico City had conveyed to the highest levels of the Mexican government our concern for the security situation in the region, and in particular for the potential for human rights abuses, prior to the initial press reports of possible human rights violations. During the course of many contacts we noted the importance of attempting to establish a peaceful dialogue with the rebels.

The Mexican government also became concerned over the potential for human rights abuses in a policy aimed at controlling the rebellion by force. On January 6, President Salinas gave instructions to the government's authorities operating in Chiapas "to respect the human rights of the civilian population and guarantee the work of the mass media." On January 10, he called for a peaceful solution to the crisis in Chiapas and on January 12 ordered an immediate and unilateral cease-fire by security forces. He further promised to grant amnesty to rebels who put down their arms. His call for dramatic changes was reinforced by changes in the composition of his cabinet. The Minister of the Interior, who is responsible for internal security forces, state-federal relations and the conduct of elections, and who served as governor of Chiapas until January 1993, was removed from office. He was replaced by Jorge Carpizo, the Attorney General, and former head of Mexico's Human Rights Commission. Carpizo is a man widely known for his scholarship, personal integrity and commitment to human rights and democratic

reforms. Foreign Minister Manuel Camacho Solis, a man who had won widespread praise for his adept stewardship of the mayoralty of Mexico City and his skills as a negotiator, was named to serve as Commissioner for Peace and Reconciliation.

At the same time, the head of the autonomous and highly credible National Commission for Human Rights (known as CNDH by its Spanish acronym), Jorge Madrazo, was sent to investigate possible human rights abuses. Under the terms of the cease fire, Mexican security forces were ordered not to seek out and engage EZLN insurgents, but to employ force only if attacked or if civilians were threatened. Through these actions, President Salinas demonstrated a decisive commitment to due process and human rights and a conviction that the path to peace in Chiapas will come through reconciliation, not prolonged conflict. The Mexican Government is investigating all charges of human rights abuses through the Attorney General's office, the CNDH, and the military justice system. We have been assured by the Mexican Government that those found guilty of committing abuses will be punished.

In his January 10 speech, President Salinas conceded that the federal government had failed to address many of the social grievances of the inhabitants of southern Mexico, despite increased expenditures on social welfare. He ordered the Secretary for Social Development to travel to Chiapas and begin consultation with local leaders on federal support for regional needs. Subsequently, President Salinas travelled to the region on January 25 to dialogue with representatives of indigenous groups who expressed their frustrations over the economic and social inequities of the region.

Mr. Chairman, we were encouraged by President Salinas' decisive steps in moving away from a policy of military confrontation to one that sought to engage the rebels in dialogue, recognizing that, while some of the leaders of the uprising may have had specific political objectives, their appeal to rural campesinos and indigenous groups drew on legitimate grievances stemming from the serious socio-economic problems of Chiapas.

A resolution of the broader problems in Chiapas will not be achieved overnight. Chiapas is a region of Mexico in which the reforms of the Mexican revolution were never fully implemented. It is an area of deep inequalities, where powerful landlords and local bosses have conspired to thwart the aspirations for justice and better standards of living for the rural populations. It suffers from tensions between the indigenous and non-indigenous population, between different Indian communities and between adherents to diverse religious beliefs. The human rights abuses in Chiapas and neighboring states, reported in our annual human rights reports, are symptomatic of a numerous conflicts and unfulfilled

expectations. Land ownership patterns and rapid population increases (4.9% growth rates versus 2.2 for Mexico as a whole) in the region are causing severe demographic pressures and scarcity of arable land. Of the more than 195,000 farmers in Chiapas, 95% hold individual parcels of land of no greater than 5 hectares. Falling coffee prices have added to the economic squeeze in a region of the country that has not benefitted from modern Mexico's extraordinary growth and development in the center of the country and near the border with the United States.

We remain concerned that prior to the peace initiative, human rights abuses may have been committed on both sides, particularly by the security forces. The prompt involvement of Mr. Camacho, the Mexican Human Rights Commission and Catholic Church authorities in the region may have helped limit the problem. Some 140 non-governmental human rights organizations--Mexican and non-Mexican--have sent personnel to Chiapas to assess the situation. The CNDH, through January 27, had received 179 complaints from Chiapas residents, of which 107 inquiries have been carried out. Seventy-two complaints of possible human rights violations remain under investigation, as do 123 (of a total of over 400) missing persons reports.

The issue of access to prisons has been of concern to you, I know, Mr. Chairman. Let me summarize the action that the Mexican Government has taken. The CNDH has assisted three non-Mexican human rights organizations gain access to the Cerro Hueco prison in Tuxtla Gutierrez to interview detainees. We are aware that not all of the NGO's were satisfied with the arrangements provided by the local representatives of CNDH for access to the prison. We are confident, however, that these difficulties resulted from administrative problems at the local level and not from a deliberate policy on the part of the authorities to bar international NGO's. The CNDH continues to pursue its investigations and Mexican officials have made clear their determination to clarify the truth of what happened in Chiapas during the past month.

As of today, fighting in the area has stopped. The government's actions contributed to shifting the conflict to the negotiating stage. Mr. Camacho has voiced concern that the EZLN may be pursuing a broad national agenda at the expense of local talks aimed at addressing the needs of Chiapas. However, prospects for direct talks and talks mediated through the good offices of Bishop Samuel Ruiz, appear very encouraging. We expect that these will take place shortly. As a further step to reduce tensions, Mr. Camacho announced on February 1 the withdrawal of army troops from occupied towns and the designation of two villages as "neutral zones," off-limits to EZLN rebels and army troops.

CHIAPAS, ECONOMIC REFORMS AND NAFTA

While the problems of Chiapas date back centuries, recent changes in the economy of Mexico and the global economy have certainly contributed to social upheaval in southern Mexico. As the Mexican Government has instituted financial, economic and trade reforms -- steps which we have seen as crucial to long-term growth and stability -- there have been shocks to its economy, particularly to those sectors which were inefficient or protected from competition. In Chiapas, 58 percent of the population is dependent upon agriculture for their livelihood. Government efforts to modernize the agricultural sector through land reform and changes in support programs, coupled with worldwide declines in commodity prices for some of the state's main crops, have impacted significantly on this sizeable segment of the Chiapas economy. Chiapas has been targetted by the Salinas government to receive a large share of funds from government programs designed to provide for a social safety net during the period of economic reform. The best known program is Solidarity.

One of the most significant aspects of the economic reforms of the Salinas administration has been the successful conclusion of the North American Free Trade Agreement. NAFTA entered into force on January 1 and has begun to permanently alter the trading patterns of North America. The opening of the Mexican economy will increase overall economic efficiency and growth, but that growth will benefit some regions more than others at the outset. It is up to the Mexican Government to best use its fiscal and social policies to redistribute the benefits of growth to include regions of slower growth. The Mexican Government understands this, and is committed to increase its social expenditures in Chiapas.

The first phase of NAFTA implementation is fully underway. Reports indicate that it is proceeding with few difficulties. Ambassador Jim Jones reports that our Embassy and Consulates are being inundated with inquiries from U.S. businessmen and women seeking information on doing business in Mexico. The inaugural meeting of the NAFTA Commission was held in Mexico City on January 14 and addressed a number of crucial implementation issues, including the creation of the NAFTA secretariat. Representatives from the Department of State, Labor, and the Environmental Protection Agency are continuing to work with their Mexican and Canadian counterparts on organizing the commissions required in the labor and environment supplemental agreements and the Border Environmental Cooperation Agreement. We hope the first meetings of the labor and environment commissions will occur in the spring.

In the EZLN's initial "declaration of war" on the Mexican government, NAFTA was deemed the death knell for the Indians of

Chiapas. I do not accept that judgment. Such a statement is little more than EZLN rhetoric that makes for catchy headlines. The EZLN itself claims to have been preparing for its "war" for some ten years -- obviously long before NAFTA was on the table.

NAFTA is not the cause of the social and economic inequalities in Chiapas which spawned the uprising any more than NAFTA can be blamed for poverty or social tensions elsewhere in Mexico or the rest of North America. NAFTA only became operational on January 1 of this year. But make no mistake about the expectations of the Clinton Administration. NAFTA by itself is not viewed as the panacea to those problems. As the majority of economic studies project, NAFTA will increase trade and investment flows among the partners and stimulate the economies of all three. This will lead to job creation and allow for more balanced development throughout Mexico. To quote Special Trade Representative Kantor from remarks made at the January 14 inaugural session of the NAFTA Commission:

"The idea of NAFTA is to raise standards of living, to increase economies, to make all of North America more competitive. That creates jobs, [and] the ability of all three countries to create jobs and to raise their standards of living obviously addresses grievances that many have in all three countries."

As it comes into full implementation, NAFTA will bring some dislocations to segments of the economies of all three NAFTA partners. It has been suggested that corn producers in Mexico -- corn is a primary crop in Chiapas -- will suffer disproportionately from NAFTA's opening of the Mexican market to cheaper and more efficiently produced U.S. corn. The importance of corn production to the Mexican economy was taken into consideration in NAFTA as witnessed in the long phase-in period of the corn provisions: 15 years, almost a generation.

In addition, the Salinas administration announced last October a new income support program for subsistence farmers, including corn growers, known as PROCAMPO. PROCAMPO will provide direct income support to farmers who generally have not benefited from past Mexican price support programs. At the same time, it is designed to be phased out over the 15 years scheduled for NAFTA implementation. In 1994 alone, the Mexican Government will spend USD 3.5 billion on PROCAMPO nationwide.

Chiapas and the uprising there do not make Mexico an unreliable trading partner. Poverty in Chiapas predates NAFTA. But increased trade, which NAFTA fosters, will bring rising prosperity in Mexico, and ultimately in Chiapas. Expanded resources and expanded incomes will make for a better future for the people of Chiapas.

Furthermore, the NAFTA process is more than a closer linking of our trading patterns. This process accelerates a comprehensive integration of our two countries in many areas. It helps energize local non-governmental organizations and forges links between them and like-minded NGO's in the international community. The process increases Mexican sensitivities toward democratic values and human rights. Under NAFTA, Mexico is now more than ever part of the "global village."

DEMOCRATIZATION IN MEXICO

Mr. Chairman, I would now like to turn to the other topic of today's hearing: democratization in Mexico. As you know, Mexico has long been dominated by the PRI (Institutional Revolutionary Party), the political organization which emerged after the Mexican revolution. Over the years, the PRI has provided Mexico with considerable stability and presided over a remarkable transformation of the country. It is also acknowledged by most observers that the prominence of the PRI has historically discouraged the development of an open and competitive democratic process.

Just as we are witnessing a remarkable transformation in Mexico, from a statist and protectionist economy toward an open economy that encourages free markets, we are also witnessing dramatic transformations in the Mexican political system. Under the leadership of President Salinas, Mexico has taken bold steps towards guaranteeing the protection of fundamental human rights and permitting an open and fair democratic process. For the first time in history, opposition parties have gained governorships in several states and significantly improved their representation in the legislature. Electoral reforms in 1990 and 1993, including the Federal Electoral Processes and Institutions Code, introduced reforms in voter registration, placed limits on campaign spending and created an electoral court to adjudicate electoral disputes.

These reforms, however, failed to fully satisfy opposition parties concerned about the impartiality of the electoral authorities. During the recent elections in the state of Yucatan, opposition parties complained of extensive fraud. It is for that reason, Mr. Chairman, that we welcome the announcement on January 27 that all of the candidates for the presidency in Mexico had reached an agreement entitled "Peace, Democracy and Justice." I cannot sufficiently underscore the historic dimensions of this agreement to which the leading opposition parties, the PRD and the PAN, as well as the PRI, are all signatories. It recognized that a necessary and unavoidable condition to a just and lasting peace is the

advancement of democracy through free elections. In the agreement the parties pledged to work for:

- 1) the impartiality of electoral authorities;
- 2) permanent access to voter lists and registration data;
- 3) equality in access to and coverage by the media;
- 4) prevention of the use of public funds and programs to favor particular parties or candidates;
- 5) revision of the rules for party financing;
- 6) review of the points in the penal code which could restrict political rights;
- 7) consideration of a special federal prosecutor for election-related crimes;
- 8) a consensus to work together for democracy and convocation, if warranted, of a special session of the Congress to consider further reforms.

The United States believes that this accord, properly implemented, will strengthen democratic practices precisely at a time when Mexico is moving to establish closer ties with the United States and other democratic nations of the hemisphere.

It is a tribute to the strength of the Mexican political process that these watershed agreements have emerged less than a month after the incidents in Chiapas. Chiapas, rather than representing a reversal in the process of economic and political transformation in Mexico, has proven to be a further energizing factor contributing to a deepening of the reform process. We hope and expect that this process will continue. The U.S. has been supportive of democratic opening in Mexico. We have discussed frequently with Mexican officials our willingness to cooperate in ways which are in full conformity with Mexican law. The State Department has also met with non-governmental organizations to discuss how they might be able to assist Mexican NGO's in ensuring the full implementation of electoral laws.

In closing, I would like to reiterate that we view with great optimism the development of closer ties with Mexico and applaud the process of economic reform and political opening that is taking place in that country. The U.S. looks forward to deepening ties with Mexico and working fully with whomever the Mexican people elect as their leaders in the upcoming presidential race. We are confident that the implementation of NAFTA will continue to improve relations between our countries in the years ahead. In the aftermath of Chiapas, we are also mindful of the fact that Mexico, as well as other countries in the hemisphere, need to pay more attention to the plight of those sectors of the population which have been left behind by the swift changes of modern life.

Just as President Clinton has emphasized the need to address many of the basic and fundamental social problems that we continue to face in the United States, we welcome the renewed commitment of Mexico toward addressing the problems of poverty and inequality. A policy of peace, reconciliation and democratic reform, with respect for human rights, will help strengthen the ties of our people on both sides of the border. Our own principles call for nothing less in the conduct of one of our most important bilateral relationships.

I will be pleased to answer any questions members of the Subcommittee may have.

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TESTIMONY

BY

ASSISTANT SECRETARY
JOHN SHATTUCK

BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE
ON
WESTERN HEMISPHERE AFFAIRS

FEBRUARY 2, 1994

Mr. Chairman, members of the Sub-Committee, ~~thank you for~~ the opportunity to discuss the recent events in Chiapas. My colleague, Assistant Secretary Watson, has provided a chronology of events and the response of the Mexican government to date. I would like to discuss in more detail the allegations of human rights violations that have arisen in the context of the violence in Chiapas.

The recent revolt occurred against the backdrop of a long history of socio-economic and other problems plaguing Chiapas and some other poor Mexican states. Facing an exploding population which grew from 160,000 in 1950 to over 700,000 now, rapid economic change and depleted land and resources, many Highland Indians in Chiapas are frustrated with their lot in life. They rightfully sense that they have been unfairly denied justice, dignity and the land they need to support their families in traditional lifestyles. In our human rights reports for 1992 and 1993 we cite instances of abuses in Chiapas by authorities arising out of frictions related to the marginalization of Chiapas' indigenous population, a substantial percentage of which are Mayan Indians, and competing demands for land and resources.

As soon as the Embassy and the State Department learned of the outbreak of violence, we took action to demonstrate to the Mexican government our concerns about human rights. The Embassy sent a team to Chiapas on January 2. Early on, before there were reports of human rights abuses, our Ambassador spoke with high level officials in the Mexican government to underscore the importance the international community places on respect for human rights. Similar concerns have been regularly expressed since by Department and embassy officials both publicly and in private discussions with Mexican officials.

As of early February, the response of the Mexican government to the Chiapas uprising appears to be positive and conciliatory. The Mexican National Commission for Human Rights, CNDH by its Spanish acronym, has sent a team of investigators into Chiapas to look into allegations of abuse. To date, the Commission is investigating at least 170 complaints. In the three years since it was established, the CNDH has compiled a solid record of investigating human rights abuses.

As Assistant Secretary Watson has described, the Mexican government also acted last month to move well-respected officials into positions of responsibility for dealing with Chiapas. Particularly significant was the appointment of the former Attorney General Jorge Carpizo, who has a solid record as a prosecutor of human rights abuses and is former chairman of CNDH, to head the Interior Ministry. In addition, the government has recognized that much needs to be done in Chiapas to address social inequalities.

The government has also invited the International Committee of the Red Cross to visit prisons in Chiapas and other parts of Mexico where persons arrested during the uprising are being held. Finally the government has offered amnesty to those who will lay down their arms, and has begun to release prisoners.

The response of Mexican and international human rights NGOs to the situation in Chiapas has been immediate and impressive. To date, some 140 organizations have sent representatives to Chiapas to offer assistance and gather information. I would like to take this opportunity to offer further support for those human rights monitors who have placed themselves in the middle of an uncertain and potentially dangerous situation in order to promote human rights in Chiapas. We have spoken to some of them and look forward to further discussions and to receiving their reports. We have also spoken with Mexican government and opposition party officials, journalists, religious and Indian human rights activists and others.

I would like to address some of the major human rights concerns that have been raised about the Chiapas situation.

Most prominent among these concerns has been the claim that the Mexican military executed seven to nine captured rebels in the town of Ocosingo, that the military fired indiscriminately at civilians, that the military was responsible for the disappearances of suspected Zapatistas, and that the military arbitrarily detained and abused, perhaps even tortured, a number of civilians. Military personnel have been accused of raping women they had arrested or detained. Human rights monitors claim that the military and other authorities threatened private citizens, members of the press and members of the clergy, especially Bishop Samuel Ruiz, head of the Catholic Church in Chiapas, who has accepted the Government's invitation to serve as a mediator in talks with the insurgents. I should note that Bishop Ruiz was in Washington just a few months ago to receive the Letelier-Moffit Human Rights Award for his work in Chiapas. Last fall, we discussed the situation in Chiapas with Bishop Ruiz's chief aide for human rights, Padre Pablo Roma.

We have looked carefully into allegations of abuse related to the Chiapas uprising, and continue to assess the situation as events unfold and new information becomes available. While our knowledge is far from complete, I would like to review some of the information we have obtained so far.

1. Summary executions: Observers agree that seven to nine persons suspected of participating in the uprising were executed on or about January 2 in Ocosingo. The individuals

had been captured, disarmed and apparently had their hands bound behind their back at the time of the executions. We are not aware of any eyewitnesses, but the circumstances strongly suggest that the Mexican army was responsible. The army has claimed that it arrived to find the bodies already there. The CNDH announced on January 29 that the Military Attorney General's Office would investigate accusations into the apparent summary executions of rebels in Ocosingo.

2. Allegations of indiscriminate firing into inhabited areas: There were a number of occasions when aircraft fired on inhabited areas near San Cristobal, in some instances where there was no evidence or verification of Zapatista combatants in the vicinity. These attacks resulted in the deaths of noncombatant men, women and children. We are seeking to confirm how many.

3. Military abuse of authority, physical mistreatment and disappearances. In the early days of the uprising the army assumed charge of the public safety and law enforcement duties normally reserved to the civilian government, due in part to the withdrawal of the police and other civil authorities in the face of insurgent hostilities. This situation continued well into the crisis, even after federal law enforcement officials arrived.

There is evidence that military personnel, who had no training in civilian law enforcement, in many cases disregarded basic civil and constitutional rights of Mexican citizens in areas under military control. There have been many reports of illegal and unjustified detention; physical abuse and beatings of detainees; abusive treatment during questioning, possibly amounting to torture; and disappearances of persons believed to have been in military custody. The military denies responsibility for human rights abuses, even in cases where there were multiple witnesses of public beatings and of persons verified to have been taken into military custody.

These allegations of serious human rights violations occurring during in the early days after the uprising in Chiapas are substantial and of great concern. They must be fully and thoroughly investigated so that those responsible can be brought to justice under Mexican law. The Mexican Government has stated its commitment to do so.

During the debate on NAFTA, I testified about problems in the areas of human rights and democracy in Mexico. I cited specific human rights abuses that are discussed in much greater detail in our 1991 and 1992 annual human rights reports. These reports give specific examples of abuses in Chiapas. At the same time, I noted at the hearings significant institutional

reforms that have been initiated during the last three years by the Salinas government in the areas of human rights accountability and electoral democracy. I noted then that NAFTA would enable the United States to work more closely with the Mexican government to move those reforms forward.

Events in Chiapas have borne out both the negative and positive elements I discussed in my testimony last Fall. Chiapas has experienced significant patterns of human rights abuse, but the government has also responded to the situation in a positive manner, as it did when it set up the CNDH and took other actions to curb human rights abuses.

We are aware of concerns that have been expressed by some human rights organizations and others that CNDH may lack the ability to investigate thoroughly and to follow through on all alleged human rights abuses in Chiapas. Based on its record over the last three years we believe CNDH is capable of fulfilling its responsibilities, and we will follow its activities very closely as it addresses these allegations of abuse. We will continue to urge the Mexican government to ensure that human rights are respected, and that all allegations of abuse are fully investigated and, when warranted, prosecuted. Thank you.

STATEMENT BY FERNANDO HERNANDEZ,
TZOTZIL MAYA, OF CHIAPAS, MEXICO
TO THE HOUSE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS
2 FEBRUARY 1994

I want to begin by thanking Representative Toricelli and members of the Committee for inviting me to speak on behalf of this hearing on behalf of my people.

It is important to understand that the problems in Chiapas have historical roots beginning with the Spanish invasion of our territory. This brought the destruction of our communal lands, when the Church created feudal lands and the Spanish established encomiendas. Both systems used Native people as slaves.

Mayan people have stayed strong because they have stayed close to their culture. Despite the oppression of the system, Mayans have preserved their beliefs up to this time. It is really important for people to know that the present struggle is not an isolated event but it has come to the point where enough is enough. This is not the first time that Mayan people have risen up against oppression to protect their lands. In the 1700s, Jacinto Canek led an uprising in the Yucatan peninsula. In the 1800s in Chiapas there was an uprising led by Jacinto Perez Pajarito against the Spanish. But for a long time, the Mayan people have kept faith with the government by asking them to resolve the problems of the Mayans. Yet, this has resolved nothing.

We do not believe that violence is the end of the struggle. Problems must be resolved in a peaceful way. For the past thirty years I have seen the racism against my people. Mayans are forced into the streets when mestizos are on the sidewalk. I have witnessed the changes in my people who become more involved in protecting their language and culture and traditions. During the 60s and 70s, landless mestizos and Mayans formed alliances to resolve the land claims which are at the bottom of this struggle, a struggle common to Indigenous peoples across the entire continent. Last year, from Palenque in Chiapas there was a march to Mexico City to talk to the President of the Republic. After marching 2000 miles we arrived, but no one was there to talk to us. This demonstrates how willing the government is to resolve the problems. What the Zapatistas have done is to go one step further, in order to press the government to resolve the land claim issues.

The killing and disappearance of Native people in Mexico is a common and daily occurrence. The army goes into communities, burns villages and removes people. It is important to know that repression of indigenous people and landless mestizos is not something new, it has gone on daily and the government does nothing to protect the human rights of the people involved.

The Zapatista movement accurately reflects the wishes of Native and Mayan people in Mexico. What I believe is that my people want to live in peace, but peace can only come when the ejido lands are returned and protected under the constitution. It is important to know that in preparation for NAFTA, Salinas abolished the protection of ejidos (communal lands) through a constitutional amendment. NAFTA should include protection of Native lands, culture, traditions and communities. We also want the release of native prisoners and leaders and the end of human rights abuses, not just for our Indigenous peoples, but for all Mexicans. What we want is land and to live in peace. We want land and peace and that the government respect the language, culture and traditions of Indigenous peoples and allow us to become more autonomous. Education should be left to our elders and directed by our traditional people in our communities.

I thank you once again for giving me the opportunity to speak to you on a matter of such importance to my people.



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Human Rights in Mexico and the Rebellion in Chiapas

Testimony of Juan E. Méndez,
Executive Director

Human Rights Watch/Americas (formerly Americas Watch)

before the House Foreign Affairs Subcommittee
on Western Hemisphere Affairs

Wednesday, February 2, 1994

Mr. Chairman: Thank you for inviting me to testify on this important issue. My name is Juan E. Méndez and I am the Executive Director of Human Rights Watch/Americas (formerly Americas Watch). As an organization dedicated to the promotion and defense of human rights in our hemisphere since 1982, Human Rights Watch/Americas has conducted research, published reports and advocated public policy in the United States with respect to the enjoyment of fundamental freedoms in all countries in Latin America and the Caribbean.

Our work in Mexico started in the late 1980s. In 1990, we published our first report, Human Rights in Mexico: A Policy of Impunity. Later that year we published Prison Conditions in Mexico, jointly with the Prison Project of Human Rights Watch. In 1991, we updated our first report through the publication of Unceasing Abuse: Human Rights in Mexico One Year After the Reforms. These three reports have been published in Spanish in Mexico in a single volume: Derechos Humanos en México: Una Política de Impunidad? (Planeta, Mexico DF,

1991). In October 1993 we published a Briefing Paper on human rights conditions in Mexico and we urged President Bill Clinton to convene a human rights summit to include all three governments that are signatories of the North Atlantic Free Trade Agreement.

In the five years since we started monitoring Mexico in earnest, we have travelled frequently and extensively in the country, have appeared at Congressional hearings such as this one, and have met several times with high-ranking officials in the Mexican government.

The events in Chiapas that began on January 1, 1994 prompted us to make a special effort to find out the facts on the ground and to report them to the public in a timely manner. We issued two press releases that are attached to this testimony as soon as early reports of violations came to our attention. Our principal researcher on Mexico, Ms. Ellen Lutz, visited Chiapas between January 9 and 14 of this year. A report based on her findings will be published in the next few days. We will send a second fact-finding mission to Chiapas next week to keep abreast of the rapidly-changing situation on the ground, as well as to continue our investigations into the cases that are the subject of our concern. My testimony today is based on Ms. Lutz's field trip and on our day-to-day monitoring efforts, including extensive contacts with our colleagues in the Mexican human rights community.

Significance of the events in Chiapas:

The emergence of an armed rebellion in Chiapas at the end of this century and after the end of the Cold War, may seem an incongruity. In fact, however, it has forced public opinion in Mexico and elsewhere to come to grips with reality in a country that is attempting a giant leap into modernity while leaving behind large segments of the population who fear they are being marginalized. Chiapas is not only the poorest state in the Mexican federation; it is also the state in which the administration of Carlos Salinas de Gortari has spent the most in social programs without seeming to make much of a dent on the desperate poverty of its people. It would be a mistake, however, to attribute the rebellion only to these two factors. There are other parts of Mexico that also are very poor and where social spending does not seem to alleviate the growing disparity in income distribution and lifestyles.

In Chiapas and in some other parts of Mexico, there are long-standing conflicts over land tenure and use of natural resources. In Chiapas more than anywhere else, those conflicts are usually resolved through skullduggery and abuse of governmental power. The Partido Revolucionario Institucional (PRI) in Chiapas bears little resemblance to the image of modernization and controlled opening that Salinas has carefully cultivated. In Chiapas, rural bosses with close ties to the PRI (*caciques*) own not only the land; they also own the local police, civil authorities and judges. Indian communities are thus deprived of ancestral lands, and peasants are increasing y left landless. Disputes over land are resolved by force, and social and political organizations that are formed to represent peasants are ruthlessly persecuted.

In our first report on Mexico, we illustrated this practice with examples of brutal evictions in April 1990 in the communities of Paso Achiote, Unión y Progreso and Emiliano

Zapata, all of which are in the district of Chiapa del Corzo. We also described similar incidents in March of that year in Luis Echeverría Álvarez and Chalam del Carmen, in the Ocosingo district. In all cases, security forces had acted in conjunction with private armies and following orders of local PRI *caciques*, sometimes assisted by PRI-affiliated peasant unions. The evictions observed no semblance of due process; whole families were left without shelter or protection; and the authorities conducted massive arrests without warrants. We also included a very serious case of torture by the Chiapas State police against five boys, aged 15, 12, 9, 8 and 7, in Simojovel, in January 1990.¹

In Unceasing Abuses we reported a second attack on the communities of Paso Achioté and Emiliano Zapata in April 1991, as well as a February 1991 forceful eviction in Rancho Los Alpes. Again, these episodes were attended by unusual violence and massive arbitrary arrests. We also reported on the arrest of a Belgian priest and his arbitrary expulsion from the country he had served for many years, on account of his advocacy on behalf of Guatemalan refugees. In the same report we included the murder of a Tapachula journalist who had published critical articles about powerful Chiapas families, and the arbitrary arrest on bogus charges of another local journalist.²

In our October 1993 Briefing Paper on Intimidation of Activists in Mexico, we referred to the unusual personal intervention, in 1990, of then Chiapas Governor, Patrocinio González Garrido, in warning the federal National Indigenous Institute (INI) not to work with local Indian groups, as well as threats and intimidation subsequently leveled against INI officials in the State. We also mentioned the arbitrary arrest of the parish priest of Simojovel, Chiapas, who was held for 49 days in a cell in Tuxtla Gutiérrez. We described Governor González Garrido's demands from the Catholic Church in Chiapas as a condition for his release. The report also referred to the beating received in April 1993 by a lawyer who represented Tzotzil Indians from San Isidro El Ocotal, Chiapas, who were charged with the murder of two soldiers.³

Finally, it must be borne in mind that human rights monitors based in Chiapas have been particularly targeted for persecution. Senior military officers have accused the widely respected Fray Bartolomé de las Casas Human Rights Center of spreading "odious lies" about the military, "obstructing justice" and "defending criminals," in response to the Center's documentation of

¹ Americas Watch, Mexico: Human Rights Watch/Americas Watch Writes to President Clinton Urging NAFTA Summit on Human Rights, Volume V, Number 10, October, 1993, pp. 12 *et seq.*

² Americas Watch, Unceasing Abuses: Human Rights in Mexico One Year After the Introduction of Reform, September 1991, pp. 26 and 30.

³ Americas Watch, Volume V, Number 10, October 1993, *cit.*, pp. 13-14.

military abuses in two Chiapas communities in March 1993.⁴ To its own discredit, the National Commission on Human Rights of the federal government joined in this attack on the Center. The Center's principal sponsor, the Roman Catholic Bishop of San Cristóbal de las Casas, Don Samuel Ruiz, has been singled out for stinging and unfair criticism for his work among the poor.

The preceding examples demonstrate what, in our view, is the proximate cause of the rebellion: the pervasive culture of human rights violations that has marked the PRI rule in Chiapas. Not only has the PRI continued to govern Chiapas as if the much-touted modernization of Mexico was not applicable there; it has also managed to implicate national institutions in its despotic policies. The Mexican Army has been deployed in Chiapas for several years on the pretext of securing the border with Guatemala and of conducting drug interdiction and crop eradication operations. In fact, the Army has been used to intervene on the side of the caciques in disputes over land and natural resources.

The Chiapas PRI, on the other hand, is by no means an aberration. The party suspiciously earns the largest electoral victories in Chiapas, despite the protracted civil unrest. Perhaps for that reason, Chiapas contributes significantly to the national leadership of PRI. Until January 10, 1994, the all-powerful Secretaría de Gobernación (Ministry of Interior) of the federal government, was in the hands of Patrocinio González Garrido, who had taken a leave of absence the year before from his governorship of Chiapas to accept the federal position.

Chiapas, therefore, is at the same time representative of national trends in Mexico and the most extreme example of the volatile nature of some of those trends. That is why the New Year's rebellion has shaken Mexico's self-confidence and, has shown the country's social and political problems in naked realism. It has called into question the unjustified optimism in the United States and elsewhere about Mexico's immediate future. On the other hand, the events unfolding in the South of Mexico present a challenge to Mexico's political establishment and have the potential of prompting definitive reforms that could ultimately bring Mexico to a well-earned seat among the world's democracies.

The Government's response to the uprising:

Two distinct phases can be identified in the way the Salinas administration reacted to the rebellion. Initially taking its cues from the Chiapas State authorities, the federal government deployed Army troops and air support and attempted a military pursuit of the rebels who had fled into the jungles. Strong suggestions were made of the non-Mexican origin of the rebel leaders, and false accusations were leveled at the Church, especially against Bishop Samuel Ruiz of San Cristóbal de las Casas, and against priests involved in the Fray Bartolomé de las Casas

⁴ The military abuses were amply documented by our colleague organization, Minnesota Advocates for Human Rights, in Civilians at Risk: Military and Police Abuses in Mexico's Countryside, World Policy Institute, July 1993.

Human Rights Center. The press and human rights monitors, who had provided good coverage of the early events, were prevented by the Army from visiting the areas of military operations. Large areas of the countryside were effectively sealed so that repression of the movement could be conducted without witnesses. As explained in detail later in this testimony, this first stage included severe violations of human rights and of the laws of war, the magnitude of which we are only now beginning to grasp.

On January 10, President Salinas did a remarkable about-face on Chiapas. He fired Mr. González Garrido as Interior Minister and appointed Jorge Carpizo MacGregor to replace him. Carpizo is a distinguished jurist who has been Rector (President) of the National Autonomous University of Mexico (UNAM) and a Supreme Court Justice. In 1990 he stepped down from the Court to become the human rights ombudsman, under the title of President of the newly-created National Commission on Human Rights (CNDH). Under his leadership the CNDH became a large agency, and produced thorough and far-reaching investigations into human rights abuses. In early 1993, Carpizo became the Procurador General de la República (Attorney General). His task of cleaning up the PGR and its police body, the Federal Judicial Police, met with mixed success.

On the same date, President Salinas announced that he had asked Manuel Camacho Solís, the Foreign Minister and former Mayor of Mexico City, to lead an effort to reach a peaceful settlement in Chiapas. Camacho is a highly respected leader of the PRI. He immediately travelled to Chiapas and announced that his peace-making effort would be made in his private capacity as a citizen, and not as a government employee. He also reversed policy by inviting Bishop Ruiz to join him in mediating the conflict, a demand originally made by the rebels of the Ejército Zapatista de Liberación Nacional (EZLN). The EZLN had also called publicly for Nobel Laureate and Indian rights advocate Rigoberta Menchú to participate in the effort. Ms. Menchú, a Guatemalan national, has been allowed to conduct a fact-finding mission in Chiapas. On January 19, the Governor of Chiapas, Elmar Setzer, tendered his resignation; he was replaced by Javier López Moreno.

Significantly, the change of policy had an almost immediate effect on the ground. The government announced a unilateral cease-fire, and the Army allowed press and monitors to visit all areas of the countryside. On January 16, the Mexican Congress issued an amnesty law designed to persuade the rebels to put down their arms in exchange for non-prosecution. Though the law has yet to have its desired effect, it does show a political will to seek a peaceful resolution of the conflict, for which the Mexican government deserves credit. On the other hand, Human Rights Watch is concerned that, by its very broad terms, the amnesty could be interpreted to allow serious crimes against defenseless persons, perpetrated by the rebels and by government agents, to go unpunished.

For its part, the EZLN has not offered to lay down its arms, but in several press releases it has sounded a relatively conciliatory tone. Peace is not yet within reach in Chiapas, but the truce is holding and it is not unrealistic to harbor hopes for a settlement.

In the meantime, the reformist momentum has carried on beyond Chiapas. On January 26, the PRI and the two major opposition parties (PAN and PRD) reached a compromise on a new electoral law that, for the first time in decades, would create independent bodies to rule on the fairness of elections. If these reforms are carried out in good faith, they would go a long way toward providing much-needed legitimacy to Mexico's electoral processes.

On the other hand, we remain concerned at the persistence of impunity for human rights violations, a pattern which we have identified as the most significant factor in the repetition of serious abuses of all kinds. We have yet to hear a definitive expression of the government's intent to investigate, prosecute and punish the serious violations committed in the first ten days of fighting against the EZLN. In response to our queries in this respect, aides to Mr. Camacho told us that it would not be a good idea "to get into a pissing contest" with the Army right now. In fact, it is already apparent that the new course set by President Salinas does not necessarily mean an end to impunity. In late January, the Ministry of Defense issued a statement categorically denying any abuses by the Mexican Army and attacking the bearers of bad news. On the occasion of a visit to Tuxtla Gutiérrez, the state capital, on January 25, President Salinas gave a short speech reaffirming his commitment to a peaceful solution. Unfortunately, he included a favorable mention of the role played by the Mexican Army, which does not bode well for the likelihood of a serious investigation into the military's abuses.

Violations of the laws of war and of human rights standards by government forces:

- Summary Executions: There is mounting evidence that Mexican armed or security forces committed acts of summary execution against EZLN guerrillas or suspects. The best documented case took place in the marketplace in Ocosingo at the end of the EZLN occupation of that city between January 1 and January 3. The international media photographed and filmed the bodies of at least five young men who bore clear signs of having been shot at close range, execution-style, and of having had their wrists bound. CNDH forensic specialists have acknowledged that their deaths occurred hors de combat. Dr. Clyde Snow, an authority in forensic anthropology who reviewed the evidence for Physicians for Human Rights, has said that four of the men were shot at close range, in the back of the head, while kneeling; one was shot on the side of his head. The weapon used was a handgun, and the calibre of the bullets is consistent with the sidearm used by Army personnel. The marketplace had been the site of a fierce battle between the EZLN and police and the Army. The Army took control of the marketplace at least as of Tuesday, January 4. The bodies were found later. The investigation is proceeding, but we are discouraged that it has been assigned to a military court.

At the end of the occupation of San Cristóbal de las Casas, some EZLN members commandeered a bus that was attacked by the Army. Journalists who visited the site reported seeing more than a dozen bodies lying outside the bus, and that some of them had their faces

blown off.⁵ We believe it unlikely that such wounds could have been sustained in combat, especially if the corpses were found not inside the bus they were occupying but a few feet away. We are not aware of any autopsies conducted in this case, nor is there any exhumation planned, to our knowledge.

- Disappearances: Army sweeps in many towns and hamlets have resulted in massive arrests. Many families have come to the urban centers of Chiapas looking for information on the status and whereabouts of those detained. In some cases they have been able to locate them, but there are many reports of persons who are still missing after their capture. For example, on January 20, the Mexico-City-based Fray Francisco de Vitoria Center for Human Rights reported the detention and disappearance of twelve persons. In a press release issued on January 25, CNDH said that it had received 400 requests for information on whereabouts of detained persons, and had solved 278; it was still trying to locate the remaining 122 (On January 15 CNDH had said it was looking into 231 complaints of disappearance).

Because the government was not forthcoming with the names of persons known to it to be dead, wounded or in custody, it caused unconscionable distress to family members of disappeared persons. The CNDH partially reduced that distress in its January 25 press release in which it named two lists of persons detained under federal and state charges for crimes allegedly committed in the course of the rebellion. But it is inexcusable that neither the Army, the federal or state prosecutors, nor prison authorities provided any response to the many desperate inquiries of relatives.

- Torture and Cruel, Inhuman and Degrading Treatment: Many of those arrested and held under suspicion of involvement with the rebellion complained of interrogation techniques that included torture. They were held in abject conditions of imprisonment that amount to cruel, inhuman and degrading treatment under relevant international law standards. Our forthcoming report will include testimony gathered directly by our mission in January, and we expect to document the extent of the practice in the course of our second mission to Chiapas, starting next week.

- Arbitrary Arrest and Due Process violations: As stated earlier, Army sweeps, some of which were conducted in conjunction with PGR detectives, resulted in massive arrests. Many villagers were taken from their homes without apparent probable cause that they were involved in the insurrection. After many public requests for information, on January 25 CNDH reported that it had established that 131 persons had been arrested; of those, 58 were released and 70 were formally charged. The other three are minors who were sent to reformatories. These figures are based on court reports; they evidently do not include persons arrested by the Army who have not yet been submitted to proper civilian authorities, or who have been released eventually with no explanation. For example, in Morelia, Altamirano district, the Army arrested

⁵ Tod Robberson, "55 Killed in Fighting in Southern Mexico," The Washington Post, January 3, 1994, page A-15.

39 peasants, released only 7, and took the rest to Comitán.

Eighteen non-Mexicans (Guatemalan, Salvadoran and Honduran) were arrested and charged with violating immigration laws. In at least one case, in Oxchtuc, the PRI mayor used the occasion of the Army presence to arrest 16 members of a dissident organization of civil society called "Tres Nudos "

- Violations of laws of war: Before the cease-fire, there were multiple reports of aerial bombing and strafing of hamlets and countryside dwellings, even though observers on the site reported no presence of guerrilla forces. Hamlets that have reportedly been subjected to aerial fire include Corralito, San Antonio de los Baños, San Isidro el Ocotál, Santa Lucía, San Juan Buenavista, Carrizalito, San José del Carmen, San Antonio, El Porvenir and Peña María, all of them communities that lie in a cluster South of San Cristóbal de las Casas. They were strafed together. There were separate incidents of indiscriminate bombing in the district of Altamirano.

Eyewitnesses told our mission that, during the battle for control of Ocosingo, the Army used helicopters to fire indiscriminately at civilian sites. The number of civilians dead in that battle is very high, suggesting that the Army violated a cardinal obligation imposed by the laws of war: to minimize harm to the civilian population. Civilians must be given appropriate warning of impending attack, and must be given a chance to leave the area of fighting. Even when they are present in a battle site, it is the obligation of the attacker to apply the "rule of proportionality " by weighing the military necessity and importance of the objective to be achieved in the attack against the likelihood of harm to civilians. We believe that President Salinas should order an impartial civilian investigation of Army actions in Ocosingo and elsewhere, and explain to the public how so many civilians died; if violations of these ever-present obligations can be confirmed, those responsible must be punished.

The Army has occupied towns and hamlets and behaved abusively against their dwellers. In the example of Morelia, cited above, the villagers have complained that many of them were threatened with execution, that soldiers ransacked common storage houses, killed their livestock, and prevented them from going to certain parts of the town. Hamlets in and around Corralito were abandoned by their dwellers as they were driven out by the bombing and strafing. Their homes were ransacked and all possessions of value were stolen or destroyed.

These actions have caused the displacement of hundreds of peasant families from areas of counterinsurgency operations. Many have sought refuge with Catholic and other churches in San Cristóbal, while others have fled to other areas of the state. The Mexican government has the responsibility of receiving the displaced population in good care, and to offer compensation for their losses and assistance in returning to their homes.

Violations of the Laws of War by the EZLN:

As in other conflicts that we have monitored over the years, we hold the EZLN to their

obligations under Common Article 3 of the Geneva Conventions. The fact that they have decided to take up arms against the State instantly obliges them to respect standards that are codified in that norm, which is declarative of customary international law. These obligations are wholly independent of any particular status that the EZLN might enjoy in international law, and -- it must be stressed -- they are also not conditioned on the behavior of their adversary. In its declaration of war of January 1, 1994, the EZLN pledged to respect and be bound by the universally recognized laws of war.

The EZLN has taken hostages. They have held Absalón Castellanos, a retired Army general and former Governor of Chiapas, since the beginning of the war. Independent confirmation that he is alive and in EZLN custody was made only on January 31, when journalists were able to interview him in an undisclosed jungle location. The EZLN has announced that Castellanos is the only hostage they are holding. At first they had announced that he had been tried and found guilty and sentenced to life imprisonment sharing the lives of the peasantry. On January 31, the EZLN announced its intention of exchanging him for captured guerrillas. We have repeatedly called on the EZLN to release him and other hostages. Mr. Castellanos is not a legitimate military target, since he plays no role in the hostilities. Holding him to affect the conduct of the enemy (i.e., the release of EZLN combatants) meets the classic definition of hostage-taking, which is specifically prohibited by international humanitarian law.

During the brief occupation of Ocosingo, EZLN combatants also held a few prominent citizens hostage. One of them, ophthalmologist Francisco Talango, was killed by EZLN combatants when he tried to flee from the Ocosingo market. Since his arrest was a violation in any event, his murder is a serious breach of Common Article 3. The EZLN also burned houses and cars belonging to its hostages.

Even more seriously, they reportedly "shielded" themselves during combat by having civilians in their midst. According to eyewitnesses, some of these civilians may have chosen to stay with the EZLN because they sympathized with their cause. Even under that circumstance, the combatant has a duty to warn all civilians of possible risk, to allow those who choose to leave to do so, and not to retain anybody as a shield against attack. Those civilians who choose to remain in the path of battle assume the risk of harm, and it is not necessarily a violation of the laws of war if they become casualties. (We note here, in any event, that neither "shielding" nor voluntary presence of civilians at a military target operate to relieve the other side from its obligation to minimize harm to civilians. At all times, the attacker is bound to apply the "rule of proportionality," weighing the military advantage to be obtained by attacking the military target against the possible damage to be suffered by civilians).

It has been reported that, in some cases, the EZLN engaged in forced recruitment of combatants. We are not in a position to confirm this at this time, but will attempt to document the practice in the course of our next mission.

It was also reported that EZLN forces fired on Mexican Red Cross personnel who were

trying to rescue victims of the fighting, wounding two volunteer medics.

In the towns the EZLN occupied, they attacked non-military targets such as local government buildings, setting fire to records and furniture. They also freed persons detained in local prisons.

Access to Human Rights Investigations:

As stated above, there was a brief attempt to cordon off large areas of Chiapas and to conduct the counter-insurgency effort in secrecy. Even though that ill-advised policy has been reversed, there have been problems with obtaining full access to the available information. On January 10, our investigator hand-delivered a note to then Attorney General Carpizo asking for the following information:

(1) To what extent are fatalities turned over to the PGR (to establish whether crimes have been committed? Are autopsies being conducted? What are the results? Except for the Ocosingo autopsies, we have not received information on this question.

(2) Are prisoners being turned over to the PGR? How long after capture? Do they bear any signs of abuse during custody? Have they been charged? With what? The PGR has not responded. The CNDH has issued a press release, but the information made public is limited to the names of those who have been charged in federal or state courts; no information has been produced on whether they have been mistreated, nor on the charges brought against them.

(3) Are house to house searches being conducted? Do they satisfy legal requirements? Again, we have no response. We note here that Mexico has not chosen to suspend any constitutional guarantee on this occasion, so standards prohibiting illegal searches and seizures are in effect.

(4) Can you provide information on the hostages presumed to be held by the EZLN? We have received no response; the government has remained silent on this matter.

We also asked Mr. Carpizo for information on a few specific cases. Of those, we have received some information, which we described elsewhere in this testimony, about the corpses found in the Ocosingo marketplace. We have received no information yet on the other cases. Similarly, we have yet to receive any response to the open letter we sent to President Salinas on January 5.

Since the launching of the peace effort on January 12, access to the region has improved considerably. As our colleagues from Amnesty International will point out, however, the Government has not always lived up to its promises with regard to access to prisons and prisoners. It is worth registering, Mr. Chairman, that your own efforts in asking the Mexican government to provide access to human rights monitors have been decisively helpful. The Government has allowed the International Committee of the Red Cross (ICRC) to conduct visits

to the Cerro Hueco prison in Tuxtla Gutiérrez. On the other hand, the authorities have attempted to use that fact as a pretext to prevent other human rights delegations from conducting their own visits. We are convinced that the ICRC does not request exclusivity and that there was no reason to delay other human rights organizations from visiting prisoners.

With respect to the bodies found in the Ocosingo marketplace, the government initially engaged in what can only be called a cover-up. Forensic specialists of the PGR (at that time still under the leadership of Jorge Carpizo) examined thirty bodies and produced a press release on January 7. It claimed that autopsies and other tests performed the previous day showed that each of the four persons who exhibited a "killing-off" shot to the head (*tiro de gracia*) had been killed on different dates and times, and that the shots were made from guns that the Armed Forces do not use. As stated earlier, a more thorough examination by CNDH specialists has now clearly established that all five persons were executed at the same approximate time, and that the shots are consistent with handguns used by the Army as side arms. The latter findings have been corroborated by internationally-recognized expert Dr. Clyde Snow, of Physicians for Human Rights.

It is also clear that the PGR not only hastened to cover the Army's back, but completely neglected to preserve crime scenes. Dr. Snow and his mission surveyed the scene of another crime many days after the bodies of two men were found. The victims had been arrested by local police and turned to the Army before their corpses were found. Dr. Snow found evidence of importance for a proper identification of the victims. In spite of the evident contradiction between the first and the second examination of the Ocosingo corpses, on January 28 CNDH made a feeble attempt to convince public opinion that no serious discrepancy existed between the PGR and CNDH experts. The initial autopsy, supposedly, did not have the benefit of examining the victims' clothes that the Chiapas State prosecutors gathered and later delivered to the CNDH team. If so, the PGR's hasty press release offering conclusions without adequate evidence is even more questionable.

United States Policy:

The Clinton Administration was caught off-guard by the New Year rebellion. On Sunday, January 9, Secretary of State Warren Christopher avoided comment on human rights violations as he spoke on "This Week with David Brinkley;" his comments were limited to expressing the indisputable fact that "governments do have to take steps in order to protect law and order..." By then, news of human rights violations were widely reported, but like Mr. Christopher, State Department spokespersons dodged the questions claiming that the U.S. Embassy had no independent way of knowing what was happening. This is in contradiction with a January 3 briefing in which the State Department announced that the Embassy in Mexico had dispatched a five-member team to Chiapas on January 2. After Salinas changed course, statements by the U.S. government emphasized the promising nature of his measures; on January 11, State Department spokesperson Christine Shelly commented only that President Salinas had acknowledged some misconduct; she carefully avoided speaking in the voice of the U.S. government.

On January 25, Assistant Secretary Alexander Watson held a press conference in which he again praised the efforts the Salinas government was making to reach peace and protect rights. For the first time, he acknowledged that the U.S. government had "raised human rights at the very highest level from the outset of this crisis," but then hastened to add that "it [the inquiry] was preemptive. It was not reacting to information." When asked if the U.S. now had evidence of abuses, Watson said he had reports from Amnesty International and Americas Watch and other organizations. He added: "I do not know yet whether we have any independent information on our own that would allow us to conclude from those sources that there have been human rights violations." He ended his presentation with this sentence: "...we're encouraging the Mexican government -- and no reason to think that they will not do this -- to investigate all of these charges as thoroughly as possible."

In fact, as our reports on Mexico for the past few years show, there is every reason to think that human rights violations will go unpunished, unless international public opinion -- especially Mexico's closest friends -- insist on accountability. We do not doubt that the State Department has remained close to the situation and that it has engaged in quiet diplomacy with the Mexican government on behalf of human rights. Perhaps that approach proves effective. But the violations described in this testimony are too serious not to warrant open diplomacy initiatives and sincere public expressions of concern for the victims. These abuses are so serious that we believe it is the duty of the United States government to speak out against them and to do so as they become known, without waiting for President Salinas to admit the existence of problems.

It has also been reported that, in the early aerial campaign in the Chiapas countryside, the Mexican Air Force had used American-made helicopters leased to Mexico for the fight against drugs. It is our understanding that the State Department is reviewing whether the Mexicans misused the leased aircraft. In a January 26 press release, the Mexican government contends that the helicopters were not misused, because they can be used "in times of natural disaster, to prevent loss of life or otherwise engage in humanitarian undertakings." As we report elsewhere in this testimony, it would be difficult to describe these military operations as part of a "humanitarian undertaking." We urge Congress to make the appropriate inquiries and obtain the necessary answers to clarify whether there has been an improper use of this materiel.

Conclusion:

Mr. Chairman: the search for a peaceful settlement in Chiapas must be supported. As a human rights organization, we are convinced that the best way to support the peace process is to urge the Mexican government to disclose everything that can be known about serious violations, and to live up to its obligations in domestic and international law to investigate them, and prosecute and punish those who are found to be responsible. We don't agree that the search for peaceful solutions necessitates either *de facto* or *de jure* amnesties or pardons. We are in favor of a generous policy of clemency for the crime of rising in arms against the State; we will also support an amnesty for State officials who may have committed abuses of discretion as long as they have not caused enduring harm. But we steadfastly object to amnesties that have the

effect of sweeping serious crimes under the rug, whether committed by the insurgents or by state agents. Disappearances, extra-judicial executions, widespread and severe torture, and grave breaches of the laws of war are war crimes or crimes against humanity, and governments have a duty to investigate, prosecute and punish those responsible.

We think a policy of truth and justice for these crimes is essential to building an enduring peace. A program designed to achieve truth and justice is a confidence-building measure while talks have not yet begun in earnest. The victims and the population at large are more likely to support a peace process if they can trust the State to be fair and impartial and if that peace process is not perceived as leaving societal wounds open for generations to come.

We are also encouraged at the prospect of finally reaching true electoral reform in Mexico. But in Mexico and elsewhere, true democracy is not limited to periodic, free and fair elections. The institutions of the State must be made to work and to fulfill their promise, especially those institutions, like courts and prosecutors, that are responsible for protecting the rights of citizens and correcting wrongs done to them.

The creative and tempered approach so far adopted by President Salinas to confront the rebellion in Chiapas, and the possibility of a breakthrough in the way Mexican elections are conducted are two signs that Mexico is changing. We would like to point out two other encouraging signs of a new Mexico: the indispensable roles played by organs of civil society and the press in responding to the Chiapas crisis. Organizations of civil society, and foremost among them non-governmental groups dedicated to human rights, have reacted to the crisis by establishing a presence in force in the war zone. They are providing accurate and reliable information, standing by the victims, and engaging in frank and honest dialogue with the authorities. The Mexican press has also risen to the task: there has been more and better independent investigation and reporting from the war zone than anything we have seen elsewhere in the hemisphere in similar situations. We have no doubt that Mexican civil society is making the largest contribution to peace with justice in Chiapas today.

Thank you very much, Mr. Chairman.

PREPARED STATEMENT OF CARLOS M. SALINAS,
Government Program Officer for Latin America and the Caribbean,
Amnesty International USA,
before the
Subcommittee on Western Hemisphere Affairs
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C.
2 February 1994

Mr. Chairman, Ranking member, members of the subcommittee, on behalf of Amnesty International USA, thank you for the opportunity to testify on events relating to the January 1 uprising in the Mexican state of Chiapas. Amnesty International recently sent a two member delegation to Chiapas which spent close to five days compiling testimony and other evidence in situ.

DOCUMENTATION OF HUMAN RIGHTS VIOLATIONS IN CHIAPAS

Amnesty International has been documenting human rights violations in Mexico for many years and has issued several reports and documents, some of which have Chiapas as the focal point. For example, an extensive document entitled Mexico, Human Rights in Rural Areas: Exchange of documents with the Mexican government on human rights violations in Oaxaca and Chiapas was published by Amnesty International in 1986 highlighting continuing violations of human rights as well as a pattern of impunity benefiting state agents involved in such violations. This report stated that "Peasants and Indians in rural Mexico have allegedly been the victims of political killings, torture, unacknowledged arrest and prosecution on false charges, according to reports received by Amnesty International over several years. Most of these alleged abuses took place in states with a large indigenous Indian population where there have been longstanding land disputes."

This statement was echoed in the 1991 publication, Mexico, Torture with Impunity, which stated that "Torture in rural Mexico has been widely reported for many years and was the subject of an Amnesty International report in 1986. Now, as then, many of the victims are peasants and indigenous peoples active in the struggle for land rights."

The year 1992 saw the publication of two reports that documented human rights violations in Chiapas: a July document entitled "Mexico, Human rights violations against Ch'ol and Tzeltal Indian activists" and the October publication Human Rights Violations against the Indigenous peoples of the Americas. Indeed, the July document stated that the "failure of the Mexican authorities to fully investigate the complaints of torture, ill-treatment and illegal detention of members of indigenous communities and to bring those responsible to justice, leads Amnesty International to the conclusion that these violations take place with the acquiescence of the authorities."

Finally, Amnesty International released a paper in August of 1993 entitled "Mexico, Continuing human rights violations against members of the Tzeltal indigenous community in Chiapas." This paper documented events on 6 June 1993 when more than 1000 members of the state security forces raided several Tzeltal communities. During this incident, "several people including women and children suffered beatings during the raid. Members of the security forces reportedly destroyed more than 100 houses" and stole belongings. Twenty-three men were detained and taken to Cerro Hueco prison where "they remained for three days and allegedly suffered torture" and were forced to sign confessions.

We note this brief documentary history to point out that human rights violations have not only persisted in Chiapas for quite a number of years but they have been publicly denounced by our organization and many others as well. In fact, many of the human rights violations that Amnesty International has documented in previous years were replicated by the Mexican army in the events following the armed uprising by the previously unknown group Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional).

Members of the US Congress have also expressed their concern about human rights in Mexico and Chiapas in particular. In the past two years, two letters have been sent by members of the House of Representatives to Mexican President Carlos Salinas de Gortari, both of whom mentioned concern over attacks against Ch'ol and Tzeltal Indian activists. The last letter, co-signed by sixty-three members of Congress and dated 1 November 1993, also expressed concern over the attacks carried out by state security agents in June of that same year. Letters have also been sent expressing concern over these recent events. Hearings, briefings and other informational forums have also been held during which testimony has been heard from, among others, Amnesty International, Americas Watch, Minnesota Advocates for Human Rights as well as from Father Pablo Romo, director of the Chiapas-based Fray Bartolomé de las Casas Center for Human Rights.

It is important to highlight both the documentation established by Amnesty International as well as the actions by members of Congress to make clear that the human rights problems in Chiapas did not begin on 1 January 1994 when the Zapatista Army of National Liberation took control of a number of municipalities in Chiapas, including the second largest city, San Cristóbal de las Casas. The impunity granted to most of those responsible for long-lasting patterns of human rights violations is among the root causes of this uprising.

ACTIVITIES OF THE AMNESTY INTERNATIONAL MISSION TO CHIAPAS

The Amnesty International delegation that went to the state of Chiapas was composed of Dr. Morris Tidball-Binz, Amnesty International's Researcher for Mexico, Venezuela and Chile, and myself, Carlos Salinas, Government Program Officer for Latin America and the Caribbean in the Washington Office. We arrived in Chiapas on Tuesday 18 January and departed on Saturday 22 January. Previous and following the stay in Chiapas, the delegation met with members of Mexican human rights organizations as well as Mexican government officials.

This testimony is by no means the complete picture of the human rights situation in Chiapas and centers on the locations we were able to visit and the testimony of those we were able to interview. A more complete report will be made available at a future date.

The delegation met with human rights monitors, lawyers, community leaders, health workers, journalists and other interested parties closely following developments including Bishop Samuel Ruiz and the local representative of the National Commission of Human Rights, Carlos Rodríguez Moreno. The delegation was able to visit the towns of Tuxtla Gutiérrez, San Cristóbal de las Casas and Altamirano, as well as the Tzeltal Indian communities of Chalam del Carmen and Morelia, in the municipality of Altamirano. The delegation was also able to gain access to Cerro Hueco Penitentiary in Tuxtla Gutiérrez.

In Cerro Hueco Penitentiary, the delegation, with the assistance of two Mexican lawyers, a medical doctor, and two documentalists, interviewed the seventy remaining male detainees as well as four female detainees, arrested since 1 January in connection to the uprising. All prisoners came from different villages and cities in Chiapas including Ocosingo, Altamirano, San Cristóbal de las Casas, Morelia, Tenejapa, etc. Because most of those detained by the Mexican army reportedly ended up in Cerro

Hueco, the delegation was able to form a broad outline of the pattern of actions the Mexican army had engaged in.

In brief, the delegation found that those interviewed in Cerro Hueco Penitentiary had been arbitrarily detained, had suffered torture and ill-treatment at the hands of members of the Mexican army, and had been denied the right to a fair trial. Many had been forced into signing confessions or posing for photographs holding weapons. The vast majority of detainees were indigenous, mostly representing the Tzotzil, Tzeltal, and Mame groups. Many had been subjected to methods of torture that Amnesty International had previously documented in Chiapas as well as the rest of Mexico including denial of food or water for prolonged periods of time, some for longer than 48 hours; burns with flame; forcible introduction of carbonated water up detainees' noses; ligatures so tight they cut into the wrists - one detainee seemed to have lost use of one of his hands; beatings and kicks; electric shocks; near-asphyxiation with a bag or through the submersion of the detainee's head into a vat of water; and constant death threats. Among the detainees were three municipal authorities from the city of Tenejapa and at least two minors.

ARMY INCURSIONS INTO MORELIA AND CHALAM DEL CARMEN

The visit to the indigenous peasant communities of Chalam del Carmen and Morelia revealed a pattern of abuse by the Mexican army which echoed similar incidents in June of 1993. According to numerous testimonies received at the community by the delegates as well as testimonies compiled at Cerro Hueco Penitentiary, on 7 January approximately at 6:30 a.m., 400 Mexican troops along with upwards of fifty armored personnel carriers (tanquetas) arrived in the village of Morelia where no armed confrontation has been reported. The soldiers forcibly broke into homes, destroying belongings which included ransacking the village hospital, and forcibly dragged the men out. The soldiers forced many of the women and children to lie in front of their homes for approximately an hour before forcing them indoors. The men were taken to the village square which is a concrete basketball court and forced the men to lie face down. Anyone that moved or raised their head was kicked on the head or on the side. Some of the men had their heads pounded into the concrete by the soldiers. The soldiers used threatening language during this and one is reported to have said, "Today is the day that we turn Morelia into an orphanage." The men were forced to lie immobilized until approximately 6:00 p.m. when the army left the area.

Three of the villagers, two of whom are aged 65 and one, 40, were led that morning into the chapel where they were tortured from seven of that morning until noon. The men in the square heard their screams during this time and some saw them forced onto a military ambulance. This was the last time they were seen and they remain "disappeared." At least one of the men appeared to be bleeding profusely from the head and witnesses indicated that he had been cut on the face and the ears. One of the men's hands hung limply as if the wrist and/or arm had been broken.

Some thirty-three additional villagers were called out from a list and forced into helicopters belonging to the Federal Attorney General's Office that afternoon, and taken to military installations in the town of Comitán. There they were interrogated and beaten, held blindfolded with their hands and feet tied, and had belongings taken, including their shoes. For example, two of the men whom I interviewed, aged 23 and 29, in Cerro Hueco Penitentiary still bore scars that were consistent with their statements that they had been burned with some kind of flame-producing device. One bore scars on his chin while the other on one of his fingers. In total, these men had been denied water and food upwards of forty-eight hours and were forced to sign statements they could not read. After being held in these installations for approximately a day, they were driven to Tuxtla Gutiérrez where the army turned them over to the custody of the Federal Attorney General's office. After interrogation by

this office, under death threats, they were led to Cerro Hueco Penitentiary. A group of eleven were released on 14 January while the others remained in custody at Cerro Hueco Penitentiary at the time of Amnesty International's visit.

A few days later, on 13 January, the day after a cease-fire had been announced by the government, 200 soldiers accompanied by four armored personnel vehicles arrived in the community of Chalam del Carmen approximately at 10:00 a.m. Here too the soldiers forcibly introduced themselves into homes, breaking belongings, stealing food, and removed the men. In this incident, two men, a father aged 70 and a son aged 22, were brutally beaten by the soldiers. Apparently, the soldiers wanted to take them away but were apparently prevented by the presence of a delegation of members of the press, who were nevertheless prevented from seeing what the soldiers were doing to these two men. The men were forced by the soldiers to pose holding wooden weapons.

PATTERNS OF HUMAN RIGHTS VIOLATIONS

These kinds of arbitrary detentions, extensive use of torture and beatings, death threats, the coercion leading to villagers posing with weapons, and other forms of abusive and illegal behavior by members of the army were echoed by testimonies heard from detainees at Cerro Hueco Penitentiary. For example, two of the men, aged 29 and 26, interviewed by the delegation that had been detained in Ocosingo on the 2nd and 3rd of January respectively had been apprehended for the sole misfortune of crossing paths with a group of soldiers. Both had been beaten, threatened with death, and denied food or water for periods exceeding forty-eight hours. The yellow ligature that had been used to tie their hands behind the back had cut into their skin and they still bore scars from that. Their shoes had also been taken from them. These last two details are important in confirming the reports of extrajudicial executions by the army.

Although the Mexican armed forces have denied reports that five bodies found in Ocosingo by photographers on 4 January were the result of extrajudicial executions carried out by its members, circumstantial and forensic evidence seems to indicate army responsibility. The bodies were found lying face down, some still with the yellow ligatures, many with fresh scars consistent with wounds left by the ligatures, and were shoeless, matching descriptions of the methods used by the army during apprehension of those detained in that town, as described by those interviewed in Cerro Hueco. Added to this is evidence from independent forensic observers who have stated that three of the men had single gunshot wounds to the back of the head, one of them had two gunshot wounds to the back of the head, while one had a single gunshot wound to the side of the head, and were clearly extrajudicial executions. The wounds were between 9 1/2 and 12 millimeters and were consistent with a 9 mm. caliber pistol which reportedly had been recently introduced to the officer corps of the Mexican army. This evidence coupled with witnesses' accounts points to army responsibility for the killings and should be clarified through a thorough and impartial investigation, establishing criminal responsibility for the actions, and leading to the prosecution of those found responsible.

Two decomposed bodies were found outside of Las Margaritas on Monday 24 January. Independent forensic observers confirmed that the men, aged 21 and 22, had died of multiple stab wounds. The observers also stated that the last time the two men had been seen alive had been in the custody of the Mexican army on 6 January.

In summary, the delegation documented reports of at least 9 extrajudicial executions; 15 arbitrary killings, including the killing of a 10 year old child; 3 cases of "disappearance" and serious concern about the possible "disappearance" of at least 6 others; and at least 100 cases of torture and ill-treatment, including at least 2 cases of possible rape of women in detention. We were able to ascertain

that hundreds of arbitrary arrests of civilians had taken place and were able to document aerial attacks against the civilian population including strafing of villages around San Cristóbal de las Casas. In addition, as has been stated above, the delegation confirmed the fact that those still in detention in the Cerro Hueco Penitentiary had been denied a fair and impartial judicial proceeding. The delegation was not able to document extrajudicial executions or use of torture by the Zapatista Army of National Liberation. We did however call for the immediate and unconditional release of all its hostages, including former governor of Chiapas, Absalón Castellanos.

In all of the above cases, there has been total impunity for those responsible for the violations, continuing a long-standing pattern in Chiapas as well as the rest of Mexico.

AMNESTY INTERNATIONAL'S CONTINUING CONCERNS

In addition to the concerns outlined above, Amnesty International remains deeply concerned with at least 10 cases of death threats against human rights monitors, members of the press and members of the church including threats against the bishop of San Cristóbal de las Casas, Samuel Ruiz. We also remain concerned against continuing threats and harassment against twelve villagers of Morelia. Investigations into these reported threats should be immediately opened and those found responsible should be prosecuted.

The delegation found lingering fears of a possible backlash by the Mexican security forces aimed at members of civil-rights movements, grass roots organizations, peasant indigenous leaders, as well as human rights workers. To ensure that such a "dirty war" is not unleashed, Amnesty International believes that there should be an end, once and for all, to the impunity that members of the Mexican state security apparatus enjoy. Time and time again, Amnesty International and other human rights organizations have called on the Mexican government to prosecute human rights violators. As we have pointed out on numerous occasions, including the two times we testified on Mexico before the US Congress in 1993, not one person has been indicted in Mexico under the 1986 Federal Law to Prevent and Punish Torture, not in its original 1986 version or its modified 1992 version. We once again reiterate our previous statements that note that disciplinary actions undertaken within the Public Ministry and other bodies aimed at purported violators of human rights do not amount to prosecution. Prosecuting human rights violators is one of the most fundamental steps the Mexican government can take if it truly wants to end human rights violations. This way a very clear signal can be sent to those who engage in violations and affirm civil society. To those who have survived state violence, this would be a welcome measure while to those who have condoned, supported, instigated or participated in such actions, this would be a clear signal establishing the end to such practices. As Amnesty International has pointed out, Mexico is not lacking in laws or institutions that, if given political backing, could help alter for the better the panorama of human rights. But therein lies the challenge to the Mexican state: does it have the sufficient political will to actually prosecute human rights violators? Chiapas is yet another test before the world stage of the political will in Mexico to end human rights violations.

Amnesty International is also concerned about a recently approved amnesty law. While we do not know how the law will be implemented, we fear that it could be manipulated to turn the de facto impunity that benefits human rights violators into a de jure situation, in effect giving an official seal of approval to the practice of impunity. We call on the Mexican government to ensure that the amnesty law is not used to preclude investigations or free from responsibility those who have engaged in human rights violations. As has been stated, impartial and thorough investigations

must be undertaken to establish responsibility for human rights violations. Responsibility must be established and judicial sanctions must be applied.

Thorough and impartial investigations can only help clarify the recent events in Chiapas. A clear example comes to mind: the delegation encountered in the outskirts of Altamirano several charred government vehicles, one of which contained calcinated human remains. The delegation was able to ascertain this due to the fact that the head delegate, Morris Tidball-Binz, is a doctor with many years experience in forensic anthropology. The delegation encountered several explanations for these remains. The official line reportedly indicated that the remains belonged to members of the police while other versions insisted that they were the charred remains of the three who had been "disappeared" from Morelia. Other versions existed. What was clear however was that these remains had been left on the road and had not been investigated. We believe that an impartial investigation could do much to establish who those remains belong to.

Finally, access to independent forensic observers should continue to be granted to autopsies, exhumations, and other forensic data. Access to those still detained in Cerro Hueco should be granted to human rights organizations. The Amnesty International delegation did finally have access to the Penitentiary of Cerro Hueco but not after difficulty.

It is noteworthy that the Mexican authorities are now allowing access to communities not only to the press corps but to human rights monitors. The presence of human rights monitors and observers is an important component for preventing further human rights violations and for documenting what has in fact happened. Amnesty International believes that full respect for human rights is one of the basic pillars for the peaceful resolution of the present conflict.

RECOMMENDATIONS FROM THE US SECTION OF AMNESTY INTERNATIONAL TO THE US GOVERNMENT

Amnesty International USA recommends that the US government must actively encourage the lifting of the veil of impunity protecting those responsible for gross human rights violations, not only in Mexico but in the rest of the world. As we testified in October of 1993 before this subcommittee, the US Embassy could play a constructive role in publicly encouraging the prosecution of human rights violators.

We also recommended that a thorough study be undertaken of the facts and figures released by both the National Commission of Human Rights as well as the Public Ministry on alleged prosecutions and other sanctions of violators. As we underscored, effective prosecutions by the Mexican government of human rights violators is a very good yardstick to assess the extent of the Mexican government's political will to end human rights violations.

Furthermore we welcome Secretary Watson's recent remarks indicating a possible visit from Secretary Christopher to the region. We would hope that Secretary Christopher and members of his delegation would be able to discuss human rights concerns not only with appropriate government officials but also with representatives of human rights non-governmental organizations, including representatives of the Fray Bartolomé de las Casas Center for Human Rights.



News Network International

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PREPARED STATEMENT OF CHRIS L. WOHR
EXECUTIVE EDITOR
NEWS NETWORK INTERNATIONAL
before the
Subcommittee on Western Hemisphere Affairs
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C.
February 2, 1994

News Network International is an international news and information agency which specializes in reporting on religious liberty issues, with a special focus on Orthodox, Roman Catholic and Protestant communities worldwide.

Since its inception in 1983, NNI has monitored religiously-motivated persecution in Africa, Asia, Middle East, Europe, and the American continent. In 1993, NNI filed nearly 400 reports chronicling challenges to the full expression of Christian faith and freedom of conscience in some 66 countries worldwide.

The Challenges to Human Rights in Mexico

The January uprising by a previously unknown insurgency known as the Zapatistas in the southern Mexico state of Chiapas should come as no surprise to those who have been monitoring conditions in Mexico over the past decade.

State and federal neglect, poverty, political cronyism, arbitrary law enforcement, petty politics, and cultural alienation over decades has fueled the present crisis.

In the early 1980s, when NNI first began to monitor human rights and religious liberty problems in southern Mexico, it was commonly known that Guatemalan insurgents were active in Chiapas. It was just a matter of time before their revolutionary fervor and ideology would inspire Chiapas' peasants to action. That the Zapatistas should have taken advantage of these circumstances, and appropriate the cause for social reform is not surprising.

Nevertheless, this is not to say that some of the claims affirmed by the Zapatistas are not legitimate. In fact, according to Mexican attorney Abdiás Tovilla Jaime of San Cristobal de las Casas, a significant sector of the Chiapas indigenous population sympathizes with the Zapatista cause.

To better understand the present human rights climate in Chiapas, one need only go as far as three miles outside of San Cristobal de las Casas, the largest city in the Chiapas highlands. There lies the refugee community of New Hope, which was founded by Tzotzil-speaking Chamula Indians who were forcibly evicted from their homes and lands beginning in the mid-1960s, specifically for having converted to the Protestant Christian faith.

Today, the number of exiled believers is believed to be well over 20,000. Of these, some 1,000 are presently homeless. The rest have been relocated to new communities similar to that of New Hope, which have mushroomed across the countryside surrounding San Cristobal. As recently as the last seven months of 1993, some 578 individuals were forcibly evicted from their homes and escaped with little more than the clothes on their backs. Many of their homes were destroyed and their lands were confiscated by municipal leaders who made a mockery of the law because they knew they would suffer no retribution for their actions.

The plight of the Protestants of Chiapas--one of the fastest growing sectors of the population, which could represent as much as 50 percent of the total population of Chiapas--is complex but an effective model for gaining insights into the frustrations that contributed to the Zapatista uprising.

Essentially, municipal and community leaders known as *caciques* operate with impunity, within what is often referred to as traditional law as opposed to constitutional law. These *caciques* have a monopoly on the local economy, politics, and cultural life. Their word is the law, and there is little will on the part of state and federal authorities to intervene on behalf of individuals and entire communities when they are victimized by the illegal actions of these community leaders.

For example, municipal leaders and indigenous activists claim that when individuals within indigenous or traditional communities convert to Protestantism, they are upsetting the cultural values of such communities. But what are these so-called cultural values? For example, when the head of a family embraces the Protestant faith, in many instances he stops consuming alcohol. Further, he refuses to sell his assigned quota of alcohol, which is expected of him by the local *cacique* who more than likely monopolizes the production of locally brewed alcoholic beverages.

By refraining from purchasing and consuming alcohol, the average individual is able to work more efficiently, save the money he would have otherwise spent on liquor, and indirectly boost his annual income by as much as 30 percent, according to expert observers. This creates not only an elite society within the traditional community, but robs *caciques* of a lucrative income. *Caciques* then claim that the Protestants are upsetting the culture.

Another claim is that Protestants are not participating in cultural events and festivals. The cultural tradition of

celebrating festivals is in some ways a syncretistic blending of traditional and Catholic religious observances. Often, the line dividing what is a cultural or traditional observance and what is Roman Catholic rite is difficult to determine. Whatever the case may be, the reality is that these festivals often involve the consumption of large amounts of alcohol, the purchase of food and other beverages for the entire community, and the presentation of a new statue or other form of religious artifact to the local Catholic church.

While Protestants say they are willing to have a limited participation in these essentially Christopagan festivals, they balk at the thought of purchasing alcohol and Catholic artifacts for these festival observations.

Further, young men who traditionally are chosen to sponsor such festivals often must borrow the money from the local cacique to finance the celebrations. They must then purchase all festival supplies from the caciques who monopolize the local economy. Such debt may easily take the best years of a young man's life to repay.

When Protestants resist such control, they are viewed as reactionary. In some cases, caciques and municipal leaders have banned the expression of the Protestant faith in an attempt to discourage new believers. Evangelists have been run out of town under the threat of death, homes of believers have been stoned and virtually destroyed, Bible reading and listening to Christian gospel music has been banned in some villages, and, ultimately, individuals who persist in fully expressing their faith are violently forced into exile with little or no intervention by state or federal authorities.

As a result, arbitrary arrests, assault and battery, confiscation of personal property, and the practice of evictions or expulsiones continues unabated. Victims who seek justice at the state and federal level are more often than not ignored. When informal hearings are granted by local prosecutors and covenants are signed, there is no power behind these to ensure that the agreements are enforced.

On June 3, 1992, Presbyterian layman Melecio Gomez Vazquez, 32, was shot to death on the outskirts of the village of Saltillo, reportedly because he had defied orders from local municipal leaders to relocate the Protestant congregation out of the village. Local authorities had threatened "to kill one evangelical man per week until they wiped them all out," according to one source who did not want to be identified for fear of retribution.

After the local prosecutor failed to open an investigation into the murder, the state governor fired him. Nevertheless the suspects had plenty of time to flee in the two weeks that it took for a new prosecutor to be named. To date, no one has been convicted for the murder of Mr. Gomez, even though eyewitnesses have named likely suspects.

In April and May of 1992, the Chiapas State Congress was scheduled to debate the pervasive problem of unrestricted expulsions. In the days leading up to the hearing, then Chiapas Governor Patrocinio Gonzalez Garrido alternately told congressional members that he would introduce a law requiring severe penalties for individuals who carry out expulsions, while telling members of the press that he did not disagree with the practice of expulsions. The law was never introduced and the issue was tabled.

Mexico has in place all the laws and mechanisms necessary for upholding human rights. What it lacks is the political will to enforce these laws. As long as traditional law is viewed as parallel to constitutional law, individuals who do not conform to traditional or Indian cultural standards but do uphold constitutional law will struggle in vain for justice.

During the January uprising, Zapatista insurgents met unofficially with the exiled Protestants holed up in San Cristobal's Indian Affairs office and told them they were too patient in awaiting government action on their behalf. They urged the Protestants to join their cause.

Protestant leaders in Chiapas believe there is a 10-month window of opportunity for federal and state authorities to prove to the beleaguered indigenous population that they are serious about reform. (Regular elections are scheduled for later this year). Already, key appointments to the interim state government, such as that of respected attorney Pablo Salazar Mendiguchia to Secretary of State, and Javier Lopez Moreno to interim governor, have encouraged many that perhaps this time justice will be served.

However, if during this waiting period issues of concern not only to the exiled Protestant community but to the indigenous population at large are not heard and acted upon, it is unlikely that the Zapatista rebellion will be quelled. Rather, it may only serve to encourage those standing on the sidelines to join in.

Summary

The plight of the embattled Protestants of Chiapas are a model for understanding state and federal attitudes toward human rights and due process of the law. Where state authorities in Chiapas (as well as Puebla state), have enforced the law, Protestants live in peace. But these isolated successes are vastly outnumbered by the thousands of cases--including unlawful arrests, assaults, rapes, forced exiles, and even homicides--which remain unresolved.

Advocates of human rights in Mexico must encourage authorities to enforce the laws which already exist, and monitor the progress of cases filed by plaintiffs to ensure that justice is served. Further, efforts by the newly appointed interim government to resolve the problem of religiously motivated persecution and expulsions should be encouraged; and individuals who have been illegally forced off their lands should be allowed to return.

QUESTIONS FOR THE RECORD -- CHAIRMAN ROBERT G. TORRICELLI
 SUBMITTED TO DEPARTMENT OF STATE
 HEARING ON UPRISING IN CHIAPAS, MEXICO
 FEBRUARY 2, 1994

1. Please provide specific details outlining the investigations undertaken by the Mexican government on human rights abuses in the State of Chiapas since January 1, 1994. Please address both the number of investigations that are underway, who is conducting the investigations, and the progress of the investigations.
2. In encountering the Chiapas uprising, did Mexico use helicopters that were specifically provided by the United States for anti-drug purposes, as reported in the Washington Post on January 19? What measures has the United States taken on this issue, and what has been the Mexican response?
3. There have been unconfirmed reports that the Mexican government approached the Administration about purchasing military equipment for use in putting down the rebellion. Is that true? What was the Administration's response?
4. What is your evaluation of the performance and commitment of Mexico's National Commission on Human Rights in responding both to alleged human rights abuses in the immediate aftermath of the Chiapas uprising, and to alleged human rights abuses in Mexico in general?

Question for the Record Submitted to
Assistant Secretary Alexander Watson
By Chairman Torricelli
Subcommittee on Western Hemisphere Affairs
House Foreign Affairs Committee
February 2, 1994

Question:

1. Please provide specific details outlining the investigations undertaken by the Mexican government on human rights abuses in the state of Chiapas since January 1, 1994. Please address both the number of investigations that are underway, who is conducting the investigations, and the progress of the investigations.

Answer:

The Mexican Government became concerned early on during the Chiapas uprising over the potential for human rights abuses. On January 6, President Salinas instructed government officials in Chiapas "to respect the human rights of the civilian population."

In our discussions with the Mexican Government on human rights abuses in Chiapas, the Mexicans have assured us they will investigate fully all allegations of human rights abuses, prosecute suspected violators of human rights and punish those found guilty.

Currently, there are three separate and distinct Mexican Government investigatory agencies conducting human rights inquiries in Chiapas:

1) The National Commission for Human Rights (CNDH) receives and investigates human rights complaints and, if warranted, recommends judicial actions by the appropriate government bodies. Through February 3, the CNDH had received 197 complaints of human rights violations in Chiapas. Information has been collected on 115 cases; 82 remain under active investigation. In addition, the CNDH had received 413 reports of missing persons in Chiapas, of which 307 cases have been resolved and the remaining 106 are under investigation.

2) The Office of the Attorney General (Procuraduría General de la República, or PGR, by its Spanish title) acts upon recommendations from the CNDH as well as conducts its own investigations.

3) The Office of the Attorney General for Military Justice has pledged to investigate abuse charges against military personnel. The Mexican military announced it would accept CNDH recommendations and sanction individuals found responsible for human rights violations. The Mexican army has received 126 complaints of alleged human rights abuses. Eighty individual soldiers have been investigated thus far; forty have been absolved of culpability.

Question:

2. In encountering the Chiapas uprising, did Mexico use helicopters that were specifically provided by the United States for anti-drug purposes, as reported in the Washington Post on January 19? What measures has the United States taken on this issue, and what has been the Mexican response?

Answer:

In recent years, the United States Government has provided a number of helicopters to Mexico, through leases and sales, for its counternarcotics program. Terms of those transfers generally restrict the use of the helicopters to counternarcotics activities. Some 30-35 helicopters operated by the Mexican Attorney General's office (PGR), including 16 helicopters provided by the United States Government for counternarcotics purposes, were deployed to Chiapas under the operational control of the Mexican military.

Upon learning that USG-supplied helicopters were being used in Chiapas, our Embassy reviewed with the Government of Mexico the restrictions on the helicopters' use and requested an explanation. Senior officials assured our Embassy that the helicopters were used in a logistical, non-combat support role.

Subsequent to the Embassy's inquiry, the Government of Mexico ordered the USG-provided helicopters withdrawn from service in Chiapas.

Question:

3. There have been unconfirmed reports that the Mexican government approached the Administration about purchasing military equipment for use in putting down the rebellion. Is that true? What was the Administration's response?

Answer:

At no time during the fighting in Chiapas (that is, from the EZLN attacks on January 1 until the Mexican government's unilateral ceasefire on January 12) did the Government of Mexico approach the United States Government about obtaining military equipment for use in putting down the rebellion. It is our understanding that the Mexican government purchased from U.S. stocks military-type rations (MREs, or "Meals Ready to Eat") for consumption by troops assigned to Chiapas.

Subsequent to the ceasefire, the Government of Mexico requested price and availability on helicopters, ordnance, and other military hardware from the United States Government. Price and availability information is being compiled and will be provided to the Mexican Government. However, the requests from the Government of Mexico did not constitute requests to purchase nor does our providing the information imply that purchases of military equipment are in process.

Question:

4. What is your evaluation of the performance and commitment of Mexico's National Commission on Human Rights in responding both to alleged human rights abuses in the immediate aftermath of the Chiapas uprising, and to alleged human rights abuses in Mexico in general?

Answer:

Since its creation in 1990, the National Commission for Human Rights (CNDH by its Spanish acronym) has built a solid and respected record of investigating human rights abuses, especially abuses committed by Mexican government officials. In the past two years alone, as a result of CNDH recommendations to the Office of the Attorney General, 20 Mexican government officials were tried and convicted for abuse and jailed for terms averaging more than 5 years. Additional cases are currently in the trial stage. Hundreds of other government officials were the subjects of administrative disciplinary actions pursuant to CNDH recommendations.

Although the CNDH makes non-binding recommendations for judicial or administrative actions following its investigations, the Commission is aggressive in seeing its recommendations fully enforced. Furthermore, in 1993, the CNDH established state human rights commissions in the 30 states and federal district of Mexico.

The CNDH's commitment to investigating human rights abuses in Chiapas is also strong. Beginning in the early days of the uprising, the CNDH has maintained a team of personnel in Chiapas to receive and act upon abuse and missing person complaints. The Commission has assisted many of the more than 140 non-governmental human rights organizations which have sent personnel to Chiapas and, in general, that liaison function has progressed without difficulty.

The Government of Mexico has taken concrete steps to ensure respect for human rights in Chiapas. The appointment of renowned human rights advocate Jorge Carpizo as Minister of Interior and of former Mexico City mayor Manuel Camacho as Peace Commissioner are clear signs of the government's commitment to human rights, peace and reconciliation. The Mexicans have assured us that they will pursue fully the allegations of human rights abuses in Chiapas and punish those found guilty of such abuses. In pursuing that goal, we believe the CNDH, together with other Government of Mexico agencies, is capable of fulfilling its responsibilities.



STATEMENT OF MINNESOTA ADVOCATES FOR HUMAN RIGHTS

**IMMEDIATE RELEASE:
FOR FURTHER INFORMATION:**

**February 2, 1994
Sarah DeCosse 612-341-3302**

**MINNESOTA ADVOCATES FOR HUMAN RIGHTS URGES
END TO HUMAN RIGHTS VIOLATIONS IN CHIAPAS:
REPORTS ON HUMAN RIGHTS INVESTIGATION**

Minnesota Advocates for Human Rights documented severe human rights violations during its investigation in the Mexican state of Chiapas from January 12 to January 22, 1994. These abuses include arbitrary and summary executions, torture, arbitrary and incommunicado detentions, indiscriminate bombing of civilian populations, and the intimidation of civilians, human rights advocates and church workers. Minnesota Advocates urges that those responsible for human rights violations must be prosecuted by the competent authorities, and that these violations must cease.

A CLIMATE OF FEAR

Minnesota Advocates' efforts to investigate human rights concerns were hampered by the reluctance of many victims to publicly denounce abuses. Several victims of serious human rights violations expressed their fear of retaliation and even assassination by the Mexican military or the Zapatista Army of National Liberation (the "EZLN") and only provided testimony to Minnesota Advocates under a grant of confidentiality. Individuals granted confidentiality charged the Mexican military with arbitrary executions, arbitrary detentions, incommunicado detentions, torture and the intimidation of human rights advocates. The EZLN was accused of using death threats to coerce participation in its activities. The charges against the Mexican military and the EZLN were corroborated by independent testimony.

HUMAN RIGHTS VIOLATIONS IN CHIAPAS SINCE JANUARY 1, 1994

As part of its ongoing human rights work in Mexico, Minnesota Advocates offers the following preliminary findings of human rights abuses committed in Chiapas since January 1, 1994.

Arbitrary and Summary Executions

Minnesota Advocates received testimony regarding summary and arbitrary executions carried out by the Mexican military. The most prominent case of summary execution was that of five individuals reportedly executed by the Mexican military in the Occesiruo marketplace on January 2, 1994.

Independent forensic specialists who reviewed the government's autopsy reports in that case concluded that the individuals had been detained and then executed.

Minnesota Advocates documented numerous cases of arbitrary executions committed by members of the Mexican armed forces. The most serious of these cases involved the killing of at least 11 individuals at the municipal I.M.S.S. Hospital in Ocosingo on January 4, 1994. Minnesota Advocates has reviewed testimony that an unprovoked attack by the military on the hospital resulted in the death of 11 individuals, their burial in a common grave and the arbitrary detentions of 9 others.

Minnesota Advocates finds the conclusions of the National Human Rights Commission (the "CNDH") to be inconsistent with the independent testimony in this case. The CNDH exhumed the grave and concluded that the corpses showed no sign of "summary execution" and that the clothes of 10 of the cadavers evidenced EZLN membership. Minnesota Advocates urges that the CNDH and other governmental agencies invite the independent confirmation of autopsy results by non-governmental specialists.

Minnesota Advocates received reports of the arbitrary executions by the Mexican military of at least five unarmed civilians in Ocosingo. Minnesota Advocates also heard confidential testimony regarding an unprovoked attack by the Mexican armed forces on a civilian vehicle which resulted in deaths. MAHR is unable to reveal any further information about this case at this time.

Torture

Several individuals detained by the Mexican military after January 1, 1994 reported suffering torture. The detainees detailed incidents of mock executions, the application of electric shocks, beatings, and being deprived of food and water for up to three days while interrogators demanded admissions of involvement with the EZLN or knowledge of the EZLN.

Arbitrary and Incommunicado Detentions

Minnesota Advocates received reports of over 100 arbitrary detentions occurring since January 1, 1994. These detentions took place in the regions of San Cristóbal de las Casas, Oxchuc, Huixtán, Ocosingo, Altamirano, Morelia, and Las Margaritas.

Military control of several communities in the area of Altamirano created a situation of de facto detention for hundreds of individuals. Entire populations were restricted by the Mexican military from leaving their community, and from seeking food, water and wood (as cooking fuel) from the local area. This situation persisted until at least January 23, 1994.

Minnesota Advocates received several reports of incommunicado detentions by the Mexican military. Some of these detentions lasted between one and three days, while information regarding other individuals detained by the armed forces is still not available up to 25 days following their arrests.

The Zapatista Army of National Liberation has kidnapped several individuals and held them incommunicado. The EZLN has held the former governor of Chiapas, Absalón Castellanos for over four weeks and he was only recently permitted contact with the press.

Indiscriminate Bombing of Civilian Populations

Minnesota Advocates documented the indiscriminate bombing and shelling of civilian populations by the Mexican military. San Antonio de los Baños and Los Corralitos near San Cristóbal de las Casas were bombed, and Altamirano, Xibiquil and Morelia in the region of Altamirano were shelled. Several instances of shelling in the Altamirano area occurred after the declaration of a government cease-fire. Many residents of these communities were displaced and continue to be fearful of returning to their homes.

Intimidation and Harassment of Civilians, Human Rights Advocates and the Catholic Church

The Zapatista Army of National Liberation has reportedly issued death threats to coerce individuals into joining the EZLN. Several individuals described leaving their communities and seeking refuge elsewhere due to these threats.

Human rights advocates have suffered direct and indirect intimidations in Chiapas. On January 14 the local mayor and PRI leader organized a march in Ocosingo that urged the removal of human rights advocates from the city. Human rights advocates in Chiapas have reported government surveillance of their activities. In denying all charges of human rights violations by the military on January 15, the Secretary of National Defense characterized national and international human rights groups as spreading false information "based on simple rumors."

The Catholic Church has also been the target of harassment. Government statements in the first days of the conflict accused the Diocese of San Cristóbal of assisting the EZLN with radio communication. No foundation has been demonstrated for these accusations. In Altamirano, the Catholic hospital was videotaped by a military patrol and a priest reluctantly agreed to the placement of soldiers in the church's bell-tower.

RESOLUTION OF THE HUMAN RIGHTS CRISIS

Minnesota Advocates for Human Rights is extremely concerned by its preliminary findings of severe human rights abuses in the Chiapas conflict, particularly the documentation of summary and arbitrary executions. Minnesota Advocates calls on the Mexican government and the EZLN to seek a peaceful resolution to the conflict and to cease all human rights abuses.

Minnesota Advocates for Human Rights also urges that the resolution of the human rights crisis in Chiapas must remedy the impunity with which human rights abuses have been tolerated in Chiapas. Those responsible for human rights violations committed prior to January 1, 1994 and those committed in the aftermath of the EZLN conflict must be held accountable for their actions by the competent authorities. Government prosecutors should charge human rights violators to the full extent of the law. (While the National Human Rights Commission has been given great prominence in this crisis, it does not have the authority to mandate compliance with its recommendations.)

Minnesota Advocates encourages the Mexican government to ensure that detainees are afforded every opportunity to receive visits from human rights observers and other advocates, and that no detainees be held incommunicado. This would be a dramatic improvement to the tightly controlled access to the prisons encountered by Minnesota Advocates. Independent observations of autopsies or confirmation of autopsy results will also contribute to a climate of greater respect for human rights.

For more information, please contact: Sarah DeCosse, at 612-341-3302, fax 612-341-2971. Minnesota Advocates reports: *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas* (Oct 1992, \$10.00) and *Civilians at Risk: Military and Police Abuses in the Mexican Countryside* (Aug 1993, \$5.00) are available from: Minnesota Advocates for Human Rights, 400 Second Avenue South, #1050, Minneapolis, MN, 55401.

WASHINGTON OFFICE ON LATIN AMERICA

1100 MARYLAND AVENUE N.E. WASHINGTON, D.C. 20002 5636
 Tel: (202) 544 8045 Fax: (202) 546 5288

February 2, 1994

The Honorable Robert G. Toncelli
 Chairman
 Subcommittee on Western Hemisphere Affairs
 United States House of Representatives

Dear Chairman Toncelli:

My congratulations to you for convening today's important and timely hearing on the uprising in Chiapas and democratization in Mexico. Genuine democracy and respect for human rights are the only viable paths for Mexico to take if the country is to deal effectively with the acute problems of poverty and abuse that underlie the conflict. The agenda for the hearing appropriately links the fighting to its root causes.

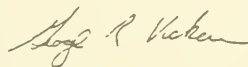
Mr. Chairman, the Zapatista rebellion has profoundly changed Mexican politics. The startling violence underscores both long-neglected social needs and the urgency of political reform. The presidential election of August 21, 1994 will take place in the aftermath of NAFTA's passage and in the context of the revolt. An honest, fair contest can help pave the way for a more peaceful, democratic future. A repeat of past patterns of skewed competition and vote fraud could unleash greater conflict and bloodshed.

The agreement signed on January 27 by Mexico's major political parties commits the Salinas government, in effect, to conducting a free and fair election this year. Opposition parties and independent election monitors from Mexican civil society are hopeful, but skeptical. In the past, reforms agreed to on paper have not been adhered to in practice. The international community, including the U.S. Congress can contribute to the fairness and credibility of the election by carefully monitoring this agreement and by insisting on its full implementation.

The Washington Office on Latin America (WOLA) will be publishing a series of reports this year on the electoral process in Mexico. I respectfully ask that the first report, *The Election in Yucatán, Mexico: Summary and Conclusions of Citizen Observers*, be included in the record of this hearing. This report documents the widespread problems observed by a non-partisan coalition of Mexican non-governmental organizations who monitored the gubernatorial and municipal elections in the state of Yucatán in November, 1993. Protest in response to the irregularities and fraudulent practices described in the report ultimately forced the ruling party to reverse the official results and to concede the mayoralty of the state capital to its conservative opposition. Nevertheless, the Yucatán election was broadly considered a setback to democracy and, as the citizen observers say in the report, "an ominous signal for the presidential election of 1994."

Mr. Chairman, I hope you find the report useful and informative. We look forward to working with yourself and other members of the Subcommittee to help ensure that the democratic process is respected in Mexico in 1994.

Sincerely yours,



George R. Vickers
 Executive Director

THE ELECTIONS IN YUCATAN, MEXICO:

Summary and Conclusions of Citizen Observers

Mérida, Yucatán, November 28, 1993

- A. Introduction
- B. Pre-Electoral Conditions
 - 1. Electoral Legislation
 - 2. Mass Media
 - 3. Voter Registry
- C. Election Day Results
 - 1. Irregularities Observed
 - 2. Results of the Quick Count
- D. Final Observations

Frente Cívico Familiar
Mujeres Yucatecas en Lucha por la Democracia
Grupo Indignación

With the support of:

Convergencia Mexicana de Organismos Civiles por la Democracia (Convergencia)
Movimiento Ciudadano para la Democracia (MCD)

Other organizations taking part in the observation process: Académia Mexicana de Derechos Humanos; Acuerdo Nacional por la Democracia; Centro Nacional de Comunicación Social; Centro Antonio de Montesinos; Consejo para la Democracia; Desarrollo Humano Integral, A.C.; Centro Miguel Agustín Pro Derechos Humanos; Comité de Derechos Humanos de Tabasco; Centro de Derechos Indígenas; Frente Cívico de Chetumal; Frente Cívico Potosino; Fundación Lázaro Cárdenas; Iniciativa Joven por la Democracia; Instituto Superior de Cultura Democrática; Mujeres en Lucha por la Democracia.

A. Introduction

On November 28, 1993, some 600 Mexican citizens participated in the observation of elections for governor, state representatives and municipal presidents in the southeastern state of Yucatán. Five hundred and thirty of these were citizens of this state organized by three local organizations, the Frente Cívico Familiar (Civic Family Front), Mujeres Yucatecas en Lucha por la Democracia (Yucatan Women in Struggle for Democracy) and the human rights group, Indignación. The rest of the observers were from out-of-state.

The principal goal of this group was to monitor the electoral process in Yucatán, independently of political parties and the government, and to evaluate whether this process met with the standards of a modern political democracy (freedom, fair and equal conditions for participation in the process, reliability of the vote count, etc.). Whereas clean elections are essential requirements for democracy, there are other requirements as well. Thus, observation of the process in Yucatán began months before the election day. Before presenting the data from the day of the election, and the results of the quick count we conducted, this report will summarize the results of studies done in advance, which should help to explain what occurred. The following is a synthesis of the principal findings of this independent group. The complete reports in Spanish are available on request.

B. Pre-Electoral Conditions

1. Electoral Legislation

We reviewed the state electoral code of Yucatán promulgated on April 5, 1993 and found that it does not provide an adequate legal framework for the exercise of political rights. An analysis of the code showed the following:

- (a) Electoral bodies are biased, the executive branch having too much influence;
- (b) The electoral tribunal is purely administrative and lacks complete jurisdiction;
- (c) Sanctions for those who violate the law are insufficient;
- (d) Political parties have the exclusive right to register candidates;
- (e) The definition of electoral geographical divisions is left open to interpretation;
- (f) Contending parties are not guaranteed constant and timely access to the electoral registry.

Furthermore, a number of violations of the electoral code were committed, among them:

- (a) The State Electoral Council authorized its President to provide public financing for four parties that were not in compliance with the requirements of Articles 19, 25 and 56 of the electoral code.

(b) The electoral bodies began to function on July 15, in violation of the electoral code.

Considering that the Electoral Code of the state of Yucatán is in violation of the political rights of the citizens of the state, and given the non-existence of national institutions for citizens' appeals, the Frente Cívico Familiar has presented a formal complaint before the Inter-American Commission on Human Rights. Civic organizations from other parts of Mexico are currently studying mechanisms to support this complaint.

2. Mass media

Democracy requires voting citizens to be conscious and well informed. This places a great responsibility on the media to provide objective and balanced information and to give equal access to the different contenders. In order to judge to what extent the media in Yucatán fulfilled this responsibility, the Frente Cívico Familiar and the Academia Mexicana de Derechos Humanos (Mexican Academy of Human Rights) analyzed the coverage of two television channels and three newspapers.

(a) Television

An analysis was done of the programming on Channel 13 (state-owned) and Channel 3 (privately-owned) from November 1 to November 6. The main conclusion of this report was that the ruling PRI (Institutional Revolutionary Party) and its candidates received privileged coverage. The news programs during this period, gave thirty-four minutes, thirty-one seconds of coverage to the PRI. The PAN (National Action Party) was given seven minutes, thirteen seconds, and all other parties together were allotted seventeen minutes, fifty-five seconds. As a result, we conclude that television in Yucatán did not provide balanced information or a free and equitable presentation of the political alternatives.

This sort of unequal coverage is harmful to democracy. When television is not objective it violates the viewers' rights. It creates resentment among the parties who were discriminated against. It feeds the idea that there is no such thing as fair play and constitutes one of many vicious circles that damages the credibility of elections and public institutions.

Considering that this behavior violates the right to information of the people of Yucatán (guaranteed in the Federal Constitution, but without the necessary legislation to be enforced), the Frente Cívico Familiar, supported by other national organizations, is studying the possibility of filing a complaint to the State Human Rights Commission. If this falls outside the jurisdiction of the State Human Rights Commission, the case will be brought to the National Human Rights Commission. If this body does not address the problem, the group will conclude that domestic recourse does not exist and will appeal to the Inter-American Commission on Human Rights.

(b) Newspapers

An analysis was done of 659 articles from the newspapers *El Diario de Yucatán*, *Por Esto* and *Novedades* from September 21 to November 16, 1993. The PRI received the greatest number of mentions, but an excessive coverage in favor of this party was not found. The PAN

received equivalent coverage. In general terms, the coverage of the electoral process by the three major newspapers in Yucatán was relatively balanced and abundant. In spite of occasional excesses, the newspapers contributed to the ability of their readers to cast an informed vote.

3. Voter Registry

Convergencia (the Convergence of Civil Organizations for Democracy) and the Movimiento Ciudadano por la Democracia (Citizens' Movement for Democracy) conducted a joint study of the official voter registry and the original voter registration lists.

The research was based entirely on official public lists and documents. It did not include field studies. Its purpose was to compare, on a municipal level, the percentages of coverage and the increase in the size of the voter registry and the original voter registration lists between 1991 and 1993. The purpose of the study was to gain a sense of the reliability of the lists. Among the most worrisome aspects are the following:

- a) In rural areas, there were more names on the official registry than in the original voter registration lists in 66 municipalities. There were more voter I.D. cards than there were names on the official registry in 35 municipalities;
- b) In urban areas, there were also some possible cases of an inflated registry. In the capital city of Mérida, for example, the official registry had increased by 26.19% whereas the voting age population (VAP) had increased by only 7.65%;
- c) In two urban municipalities, Umán and Kanasin, the official voter registration list was unusually small;
- d) Ninety thousand registered voters were not given their voter I.D.'s. This phenomenon was concentrated in urban areas (53,000 in Merida, and 15,000 in the cities of Tizimín, Umán, Valladolid and Kanasin).

In summary, it seems there was a worrisome selectivity at work. We would have liked to have been able to verify these results with field work, but this was impossible because electoral officials did not provide an official voter registry until several days (November 10) before the election. When we published these results prior to election day, we began a dialogue with a representative of the Federal Electoral Institute, who expressed his disagreement with our methodology. In order to pursue this delicate matter further, we scheduled various meetings to request access to some of the lists used on election day.

C. Election Day Results

On election day we observed 246 polling places, scientifically selected by the Rosenbluth Foundation. This provided us with a sample which enabled us to perform a quick count, and thus gave us an overall sense of what happened on election day. In addition to the 250-odd stationary observers, there were also 70 roving observers distributed throughout the entire state,

together with a support team of dozens of persons who served as coordinators, messengers and logistical support.

1. Irregularities Observed

Throughout election day, the observers filled out four forms, whose information we used to prepare the attached table (see Annex 1), showing the number of irregularities detected in the 246 polling places, representing some 25,000 voters. The following is some of what appears in the table:

- a) In 115 of the 246 polling sites, voter secrecy was violated;
- b) Ten ballots boxes were reportedly emptied, then re-filled;
- c) Voters were harassed at 101 polling sites;
- d) Incidents were reported at 67 polling sites at the time of the vote count;
- e) Two hundred and ninety-two persons were allowed to vote without voter I.D.'s;
- f) Two hundred and forty-nine persons were not allowed to vote because they were not listed on the voter registry.

2. Results of the Quick Count

At 8 p.m. on Monday, November 29, on the basis of 90% of the sample, we were able to predict that the PRI candidate for governor would win with 57% of the vote, and that the PAN candidate would obtain 38.8%. In the case of the municipal presidency of Mérida, the tendency was the opposite: the PAN had received 50.46% and the PRI 47.18%.

D. Final Observations

On balance, we found the electoral process in Yucatán to be unsatisfactory due to the following reasons:

- a) The electoral law, the voter registry and the behavior of the television networks did not provide an atmosphere conducive to fair and equal participation by all contending parties;
- b) On election day, testimonies and reports from the observers confirmed this unequal panorama. There were places where the process went smoothly and in which the irregularities were minor. In other places, however, violations of political rights reached alarming proportions. There was violence in various municipalities. In the city of Progreso, there was clear collusion between municipal officials and representatives of the PRI. In the city of Buctotz a ballot box was stolen. There is evidence in Sucil that one ballot box was emptied, and refilled. In polling site 796-B, the

voter registration list included 817 people. When the votes from this poll were counted, there was an excessive number of votes in favor of the candidates for governor, as these numbers show:

	<u>PRI</u>	<u>PAN</u>	<u>Total</u>
Municipal president	227	116	343
Representative	233	115	348
Governor	685	337	1022

The seriousness of the irregularities in some regions of the state, and the aggressive and open way in which they were committed was bewildering to the observers. This feeling was heightened when on the afternoon of the elections a blackout occurred during the moment of the vote count, leaving various regions of the state without electricity. We have testimonies of possible violations that may have been committed during that period.

The participating organizations have been involved in observing state elections since 1991. The general consensus is that there was a deterioration in the reliability of elections in Mexico, as observed over the past two years. If so, it sends an ominous signal for the presidential elections of 1994, since election day in Yucatán took place the same day that the PRI announced the name of its presidential candidate.

c) There was open hostility towards observers in some regions of the state, as well as physical aggression in the town of Sacabá. Two state-owned media outlets, the radio station "Solidaridad" and TV Channel 13 openly criticized and disqualified our work.

d) It is impossible -- and falls beyond our mandate -- to determine what affect these irregularities and violations had on the results of the elections.

In spite of these limitations and without judging the legality of the elections -- a matter which belongs exclusively to the electoral officials -- we conclude that the Yucatán elections of November 28, 1993 were not held under conditions that permitted parties to compete on an equal basis and did not conform to universal standards of reliability.

Annex 1

SELECTED IRREGULARITIES AT POLLS ON ELECTION DAY
YUCATAN

VOTERS	1 NO ID	2 TRANS.	3 STUFF.	4 NOT SECRET	5 HARASS.	6 INCIDEN
22,871	292	2111	10	115	101	67

Explanation:

This Table reports irregularities documented by the civilian observers on election day in the state of Yucatán, November 28, 1993. We include them as a sample of the contents in the complete Report. The following is an explanation of the categories:

1. Persons who voted without presenting their voter ID cards. This is prohibited by the Electoral Code.
2. This involves persons who were physically taken to the polling place to vote. In Mexico, this well known practice is defined as the *acarreo* (herded together and transported to a polling place).
3. This category refers to how many ballot boxes were stuffed with extra votes. In Mexico, ballots are hand marked and personally deposited in the ballot box. The fraudulent practice of *relleno*, stuffing the urns, occurs either at the moment of casting one's vote or before the election starts.
4. This category refers to the polls where there was a violation of the secrecy of the ballot.
5. Harassment refers to any kind of psychological or physical pressures that were experienced by the voter at the time of casting his/her ballot. Data refers to number of polls where persons were harassed.
6. This category refers to the number of polls where there were abnormal incidents at the moment of the vote count. In Mexico, since there is a hand count and registry of each individual ballot, there is room for any number of fraudulent practices in this area.

Center For Human Rights Legal Action
Centro Para La Acción Legal en Derechos Humanos
1601 Connecticut Avenue, NW #612 □ Washington, DC 20009 □ U.S.A.
Tel: (202) 265-8712 Fax: (202) 483-6730
Peacenet: CHRLA

February 2, 1994

House of Representatives
Committee on Foreign Affairs
Subcommittee on Western Hemispheric Affairs
705 O'Neill House office Building
Washington, D.C. 20515

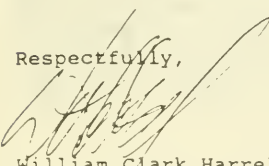
Dear Members of the Subcommittee and Staff,

It is our distinct pleasure to submit the following Petition for the record of the important Hearing you are convening today. As I explained to your staff by phone, this Petition, which regards the situation in Chiapas, Mexico, has been submitted to the Inter-American Commission on Human Rights of the Organization of American States against the United States of Mexico. Oral argument was made before the Commission on January 28, 1994 by Sara Rios, staff attorney for the Center for Constitutional Rights, and I.

The Petition was also signed and supported by The Lowenstein International Human Rights Clinic of Yale Law School, Deborah Anker of the Harvard Immigration and Refugee Program, the National Lawyers Guild and the Central American Solidarity Association. These groups also authorized the submission of the Petition to the Subcommittee. The attached petition will be supplemented by a report drafted by a Delegation investigation sponsored by the Center for Human Rights Legal Action and the Ecumenical Program on Central America which will be taking place from February 4th through the 11th of this year. We would be glad to apprise you of further developments as reported by the Delegation.

We hope that the information contained in the attached Petition will be of use to the Subcommittee. If you would like any further information, please do not hesitate to contact us. Thank you for your attention in this matter of grave concern.

Respectfully,



William Clark Harrell
Staff Attorney

ORGANIZATION OF AMERICAN STATES
INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
WASHINGTON, D.C.

In the Matter of:

Civilian Population of Chiapas;
-and-
Members of the Ejercito Zapatista
de Liberacion Nacional who have
laid down their weapons or been
placed hors de combat by sickness,
wounds, detention, or any
other cause

Case No. _____

(Mexico)

PETITION AGAINST THE GOVERNMENT OF MEXICO AND
REQUEST FOR PRECAUTIONARY MEASURES AND ON-SITE VISIT BY
THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Introduction

Petitioners hereby present this petition on behalf of: a.) the civilian population in Chiapas, Mexico who have been subjected to assaults, arbitrary detention, indiscriminate bombings, disappearances, torture, summary executions and other human rights violations by Mexican security forces, and b.) members of the Ejercito Zapatista de Liberacion Nacional who have ceased to take a part in the hostilities, laid down their weapons or been placed hors de combat by sickness, wounds, detention or any other cause since January 1, 1994.

The petitioners hereby charge the government of the Republic of Mexico with violations of Articles 1(1), 4(1), 5, 7, 8, 13, 16, 24, and 25 of the American Convention on Human Rights and violations of Articles I, II, IV, V, XVII, XVIII, and XV of the American Declaration of the Rights and Duties of Man. Petitioners further allege that the government of Mexico is in violation of rights guaranteed under the Geneva Conventions and Protocols and principles embodied in customary international law which establish binding rules of conduct concerning the treatment of combatants, ex-combatants and civilians in armed conflicts of a non-international nature, such as that now taking place in Chiapas, Mexico.

Summary of Relief Requested

Petitioners pray for the following relief:

That the Inter-American Commission on Human Rights request the government of Mexico to adopt preventive measures to preserve the life, personal integrity, liberty and all other rights of the residents of Chiapas, including captured combatants or those placed hors de combat by sickness, wounds, detention or any other cause:

That the Inter-American Commission on Human Rights investigate the facts and circumstances of the above incidents in an in loco visit to Mexico, pursuant to Art. 48(2) of the American Convention and Art. 44(2) of the Regulations of the Commission;

That the Inter-American Commission prepare a special report regarding the conditions of respect for human rights in Chiapas, as authorized by Art. 60 of the IACHR regulations;

That the Inter-American Commission on Human Rights submit this petition to the government of Mexico and request information regarding the allegations contained herein, in accordance with Art. 48 (1) (a) of the Convention, and request the government's promptest reply, in accordance with Art. 34 (2) of the IACHR Regulations;

That the Inter-American Commission on Human Rights condemn the violations committed by Mexican government in this case, and that it demand that the government take diligent and adequate measures to rectify these violations;

Whatever other measures this Commission might deem appropriate for providing redress to the victims of the government's wrongful acts.

Factual Background

1. On January 1, 1994 the Ejercito Zapatista de Liberacion Nacional ("EZLN"), an indigenous guerrilla group, announced its existence and occupied San Cristobal de las Casas, located in the southern Mexican state of Chiapas. According to its pronouncements, the EZLN began fighting on January 1, 1994, the date which NAFTA took effect, to protest the continuing poverty and discrimination suffered by the indigenous population in Chiapas. Chiapas has a population of over three million people, one million of whom are indigenous and live in conditions of abject poverty. According to local human rights and health care organizations, each year in Chiapas over 15,000 indigenous people die of curable diseases.

2. Since January 1, 1994, on various occasions, the EZLN have occupied the municipalities of Rancho Nuevo, Altamirano,

Ocosingo, Las Margaritas and Chanal. In response to EZLN activities, the Mexican government dispatched approximately 15,000 soldiers or more to the area. Up until the date of the cease fire, January 12, 1994, there has been military activity in the above areas, and upon information and belief, this activity has continued since the cease-fire. According to Bishop Samuel Ruiz of Chiapas as well as international human rights observers in the region, the Mexican army has indiscriminately bombed jungle areas and civilian-populated communities. Many rural indigenous communities have been bombed, including El Corralito, San Isidro, El Ocotal, Corazon de Maria, San Antonio los Basos and Pinavetal.

3. Many citizens have fled these areas and are located in shelters under police control in the state of Tabasco. Refugees in these shelters have reported to international human rights monitors that the police and military have warned them not to speak with the press or any others, including human rights monitors, about the situation in Chiapas.

4. From the period of January 2 until at least January 14, 1994, various roads in Chiapas were closed/remain closed by the Mexican army, precluding access to affected areas by human rights observers, the Red Cross and the press. Due to the closure of the roads, many communities suffered from lack of water, food supplies and communication facilities.

5. On January 5, 1994, a caravan of three press vehicles was strafed with machine gun fire from an army plane. Members of the magazine Mira de Mexico, Radio Education de Oaxaca, ABC, Televisa and France Presse had been travelling in these vehicles when the machine gun fire began. The vehicles were clearly identified as belonging to the press and white banners attached to the vehicles were visibly placed. La Sociedad Interamericana de Prensa has denounced this attack and requested an immediate investigation. Petitioners have also received information that Mexican Army helicopters attacked Red Cross personnel.

6. From various towns throughout the state of Chiapas reports have been received of wide-spread mass arrests of indigenous males. Many women interviewed by human rights monitors report that their husbands have been accused by Mexican soldiers and police of being EZLN members, arbitrarily arrested and taken away with no indication made of where the men have been taken. La Central Independiente de Obreros Agricolas y Campesinos ("COIAC"), confirmed that four indigenous men were detained by the Policia Judicial of Chiapas during the week of January 3 through January 8 for supposed connections with the EZLN and were held in the police station in Tuxtla Gutierrez, where they were interrogated, tortured and beaten. There is mounting evidence that many representatives of indigenous and campesino organizations have been detained, interrogated and beaten since the fighting began.

7. In a visit to a jail in Chiapas on January 12, 1994, petitioners and other human rights advocates met with twenty-one indigenous men who were being held. The men reported that they had been taken from the Rancho Nuevo area. They displayed black eyes, bruises and other swollen markings on their bodies which they stated had been inflicted by beatings from Mexican soldiers. The men further stated that they had been interrogated by soldiers who had tortured the men by dunking their heads in tubs of water in an effort to extract confessions that they are EZLN members. The men stated that they are not EZLN members.

8. These men also stated that at the time of their detention another man, a Zapatista, was also arrested but was segregated from them and taken to another unknown location. The men stated that the soldiers who took the man away said that they were "going to burn him to death." The man has not, at the time of this writing, been seen again.

9. During a recent investigation in Chiapas by international human rights attorneys, including petitioners, a list of various men reported to have been "disappeared" by the Mexican police and military was drafted and presented directly to a three-person panel which had been appointed by President Salinas to investigate the Chiapas up-rising. When this list of disappeared persons was presented to the governmental panel, the human rights attorneys presenting the list were told that the panel had no interest in receiving such information and would make no efforts to try to determine the whereabouts of the missing men.

10. According to unofficial reports, at least 250 people have been killed. Reports also state that several guerrillas were summarily executed by soldiers after capture. According to an article published on January 8, 1994 in the Mexican newspaper La Jorandera, in a report released by the office of the Attorney General, governmental forensic doctors employed by the Attorney General's office stated that the bodies of thirty dead guerrillas captured by the Army in Ocosingo bore coups de grace (tiro de gracia) in the head. The governmental report also stated that the doctors had said that "only one of the shots had been fired by a weapon of the same calibre used by the Army" and the governmental report went on to speculate that perhaps not even that shot could be confirmed to have been fired by the Army as it was possible that the guerrillas could have used the same calibre weapon. International human rights investigators have been denied access to these bodies and they have not been examined by any forensic experts other than those employed by the government. The government's claim that the shots were not fired by the Army is not credible in the absence of independent investigation.

Statement of Jurisdiction

11. Mexico formally acceded to the American Convention on Human Rights on April 3, 1982.

Violations of the American Convention on Human Rights

Article 1

12. As evidenced by the actions set forth supra in paragraphs 1-10, the government of Mexico has failed to ensure to the civilian population of Chiapas "the free and full exercise of those rights and freedoms [recognized by the American Convention] . . ." Specifically, the government of Mexico, through its military agents, has subjected the residents of Chiapas to detention, summary execution, torture and other wrongful treatment in denying them access to medical care and water and food supplies to sustain them during the conflict. Further, this wrongful treatment and denial of rights is being carried out by the government with discriminatory intent based on race and social origin as it is focused on citizens of indigenous background.

Article 2

13. As set forth in paragraphs 1-10, the government of Mexico has failed to take appropriate measures to ensure the protection of the rights protected by the American Convention.

Article 4

14. As set forth in paragraphs 1-10, the army of Mexico has launched indiscriminate military offensives in civilian areas, done in violation of Article 4's mandate that "every person has the right to have his life respected." By permitting the summary execution of captured EZLN members, the Government of Mexico has violated their right to the respect for life.

Article 5

15. As set forth above, the acts of repression against civilians threaten the physical security of these persons and have resulted in extreme fear and emotional suffering. Said treatment is a violation of Article 5's guarantee that "every person has the right to have his physical, mental and moral integrity respected." Torture of combatants and civilians likewise violate the provisions of Article 5.1 and 5.2 requiring humane treatment.

Article 7

16. Arbitrary arrest and detention of civilians and detention of combatants without access to a judicial officer violate the protections of Article 7, which guarantees the right to personal liberty and bars arbitrary arrest or detention.

Article 8

17. The summary execution of members of the EZLN and illegal detention, beatings and torture of indigenous people and members of popular organizations are violations of Article 8, which requires a fair, impartial and public trial to determine the guilt or innocence of those accused of a criminal act.

Article 13

18. As set forth above, the suppression of access to information and communication, and the directives issued by the Mexican police to displaced civilians not to speak with the press and otherwise disseminate information about their experiences during the conflict, violate the population's right "to seek, receive and impart information and ideas" protected by Article 13 of the Convention. The government actions constitute "abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or...other means tending to impede the communication and circulation of ideas and opinions" as is expressly prohibited by Art. 13.3.

Article 16

19. As set forth above, several members of popular groups have been arbitrarily detained, beaten, tortured and interrogated by members of the armed forces. These people have been specifically targeted due to their membership in said organizations. Targeting members of popular organizations is a violation of Article 16's guarantee of the right to freedom of association.

Article 24

20. The detention, beating, torture and interrogation of indigenous persons on the basis of their ethnicity and suspected membership in political organizations are violations of these persons' rights to equal protection under the law, as guaranteed by Article 24.

Article 25

21. By closing off access roads to the area of conflict, the Government of Mexico has denied the victims of arbitrary detention, torture and interrogation and the families of victims of extrajudicial execution the rights to judicial protection guaranteed by Article 25.

Violations of the American Declaration
of the Rights and Duties of Man

Article I

22. For the same reasons as set forth above, the government of Mexico has violated Article I of the American Declaration which insures the right to life, liberty and personal security.

Article II

23. The government of Mexico has violated the right to equality before the law, as guaranteed by Art. II of the Declaration.

Article IV

24. The government of Mexico has violated Art. IV of the Declaration, by denying the right to freedom of investigation, opinion, expression and dissemination of ideas.

Article V

25. The government of Mexico has violated Art. V of the Declaration by failing to protect its indigenous citizens in the state of Chiapas from abusive attacks upon their honor, reputation and private and family life.

Article XVII

26. Article XVII of the Declaration has been violated in that the right to recognition of juridical personality and civil rights has not been respected.

Article XVIII

27. Article XVIII which ensures every person the right to resort to Courts for protection of his or her rights has been denied by the Mexican government in the state of Chiapas.

Article XV

28. The right of each person to pursue activities which benefit their cultural development and well-being, as protected by Art. XV of the Declaration has not been respected by the Mexican government.

Applicability of the Geneva Conventions to the Mexican Conflict

29. As a signatory to the Geneva Conventions and Protocols, Mexico is directly bound to refrain from acts contravening the purpose of the Conventions and Protocols; and to the extent that the Conventions and Protocols represent customary international law, Mexico is also directly bound to obey customary international law.

30. In general, the Geneva Conventions and their protocols which delineate the rules of war, expressly prohibit all attacks on civilian communities for military purposes and mandate that civilians shall in all circumstances be treated humanely.

31. The International Court of Justice has held that common Article 3 of the Conventions is applicable to all armed conflicts. Corfu Channel Case [1949] ICJ Rep. 4. Protocol II is also applicable in "armed conflicts not of an international character"

such as that in Chiapas. Common Article 3 and Protocol II contain broad protections for the civilian population.

32. Protocol II's applicability is defined as follows:

[Protocol II], which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts . . . which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, to exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this protocol. (Protocol II, Art. 1.1)

33. The International Committee of the Red Cross, the sponsor of the Geneva Conventions, in Resolution 2444 (Vienna 1965) stated that one of the most fundamental rules of war is that "a distinction must be made at all times between persons taking part in the hostilities and members of the civilian population so that the latter are spared as much as possible."

34. In affirming the Red Cross resolution, the U.N. General Assembly has declared that it is impermissible, under any conditions, to wage war against a civilian population in order to destroy the "opposition."

The Scope of Common Article 3 and Protocol II

35. Common Article 3 of the Conventions states:

(I) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(II) The wounded and sick shall be collected and cared for.

36. Protocol II provides basic ground rules and expands common article 3's provisions for respecting the rights of civilians in time of internal armed conflicts. The fundamental right to humane treatment is expressed in Art. 4 as follows:

1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstances be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph 1 are and shall remain prohibited at any time and in any place whatsoever:

- (a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishments;
- (c) taking of hostages;
- (d) acts of terrorism;
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) slavery and the slave trade in all their forms;
- (g) pillage;
- (h) threats to commit any of the foregoing acts.

36. Protocol II makes it indisputably clear that waging war against civilians is expressly prohibited.

37. Protocol II's protections are drafted in broad terms, indicating that in instances of doubt as to whether a person or a community is civilian in character, caution should be exercised, erring in favor of protecting civilians.

38. It should be noted that the convention not only prohibits attack against civilians but is drafted to protect all "persons taking no active part in hostilities." Common Article 3 of the Conventions prohibits attack against "members of the armed forces who have laid down their arms or been placed hors de combat by sickness, wounds, detention, or any other cause." (Article 3 (I)(d).)

39. In addition to its specific prohibitions on murder, mutilation, cruel treatment and torture, Article 3 prohibits the passing out of sentences and the carrying out of executions without

previous judgment. Protocol II also extends guarantees of humane treatment to members of dissident armed forces as persons who have "ceased to take part in hostilities, whether or not their liberty has been restricted." In addition, Article 5 requires humane treatment of individuals being detained "for reasons related to the armed conflict." Article 6 provides for the process and other guarantees applicable "to the prosecution and punishment of criminal offenses related to the armed conflict."

40. Article 3 permits the entry of the International Committee of the Red Cross to offer its humanitarian services to the parties to the conflict. Protocol II provides that "relief societies located in the territory of the High Contracting Party, such as Red Cross . . . organizations, may offer their services for the performance of their traditional functions in relation to the victims of the armed conflict." (Art 18(1)).

41. U.N. Resolution 2444 "Respect for Human Rights in Armed Conflict" states principles of customary international law relating to the conduct of armed conflicts. The resolution states that the means parties may use in warfare are not unlimited, that civilian populations may not be the subject of attack, and sets forth the principles of distinction.

Enforcement of the Geneva Conventions and Protocols

42. There are two avenues of redress for violations expressly stated in the Geneva Conventions themselves: the right of humanitarian bodies to offer services to victims and the right to establish an inquiry into allegations of violations. The Mexican Army has taken steps to frustrate the accomplishment of both: it has refused access to affected areas by humanitarian organizations during the hostilities and security officials have warned those fleeing the zones of conflict against speaking with members of the press and others including human rights investigators.

43. Secondly, as the state is the legal entity bestowed with the duty to protect the rights of its citizens, the government itself is bound by the Geneva Conventions to provide effective legal remedies for their breach. Under all of the Geneva Conventions, parties are bound to provide effective legal sanctions for those guilty of "grave breaches" of the Conventions and to bring offenders before Courts to be charged for their crimes. The Mexican government has failed to establish such an inquiry. Furthermore, the apparent unwillingness of government-appointed investigators to denounce the Mexican Army for violations demonstrates the inability and lack of will of the Mexican government to establish an impartial inquiry. (See, for example, paragraph 10, supra).

Jurisdiction of the Inter-American Commission on Human Rights to
Examine Violations of the Geneva Conventions

44. The Inter-American Court of Human Rights has affirmed the jurisdiction of itself and the Inter-American Commission to examine the relationship of the rights guaranteed in the American Convention and other international instruments. IACHR, Advisory Opinion No. OC-1/82 of September 24, 1982, at para. 21 ("Other Treaties" decision).

45. This Commission has exercised its competence over situations relating to armed conflict many times, and has previously examined allegations of violation of the Geneva Conventions and Protocols. The practice of this Commission in evaluating breaches of the Geneva Conventions, which it has done in relation to Argentina, Nicaragua and El Salvador, amongst others, has become well-established. (See IACHR Report No. 31/93, Case 10.573)

46. The American Convention contains two provisions which empower the bodies of the Inter-American system to examine allegations of violations of other treaties, including the Geneva Convention and Protocols.

47. Article 27 of the American Convention, which authorizes suspension of certain provisions in times of "war, public danger, or other emergency" states that such suspension and emergency measures are permissible "provided that such measures are not inconsistent with [the State's] other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin." The government of Mexico has given no formal notice of its intent to suspend rights under Art. 27.3. Further, as provided by Art. 27.2, under no circumstances can Articles 4 and 5 be suspended.

48. Thus, Article 27 requires the Inter-American Commission, when examining cases in which the state called a state of emergency or otherwise attempted to suspend rights, to determine whether the state's actions violate any of the international agreements to which the state is party, including the Geneva Conventions.

49. Applicable to the instant case is Article 29.b of the American Convention which states:

No provision of this convention shall be interpreted as restricting the enjoyment or exercise of any right or freedom recognized by virtue of another convention to which one of the said states is a party.

50. Thus, the American Convention explicitly recognizes that the rights which the Convention guarantees do not exist in a vacuum

but are part of a larger rubric of international legal protections.

51. In the 1982 "Other Treaties" decision, the Court affirmed the right of the Inter-American Commission to interpret other treaties, noting the interrelationship between the regional inter-American system and international systems of human rights protection. The Court concluded that the regional system is complemented and enhanced by international protections, stating:

The need of the regional system to be complemented by the universal finds expression in the practice of the Inter-American Commission on Human Rights and is entirely consistent with the object and purpose of the Convention, the American Declaration and the Statute of the Commission. The Commission has properly invoked in some of its reports and resolutions 'other treaties concerning the protection of human rights in the American States,' regardless of their bilateral or multi-lateral character, or whether they have been adopted within the framework or under the auspices of the inter-American system. Inter-American Court of Human Rights, Advisory Opinion No. OC-1\82 of September 24, 1982., Id. at para. 43.

52. In its decision, the Court noted the special importance of Article 29, stating:

Special mention should be made of Article 29, which contains rules governing the interpretation of the Convention, and which clearly indicates an intention not to restrict the protection of human rights to determinations that depend on the source of the obligations. Id. at para. 41.

Exhaustion of Domestic Remedies

53. The petitioner does hereby state that it is impossible to obtain redress for the violations alleged herein within the Mexican legal system as access to such remedies has been denied and made otherwise unavailable. Article 37 (2)(b) of the IACHR regulations states that domestic remedies do not need to be exhausted when:

the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them.

54. The actions of the Government of Mexico, as described above, demonstrate an effective denial of access to domestic remedies and preclude the possibility of obtaining redress from the Mexican government at this time. Petitioners note that all official reports released by the office of the Attorney General and other governmental agencies have systematically downplayed the number of dead, wounded and detained, and have indicated an unwillingness of the Mexican government to conduct an impartial

investigation and to make information about the Chiapas conflict available. Petitioners also note the response received from the presidentially-appointed panel that it would not receive nor investigate reports of disappeared persons. (See paragraph 9 supra)

55. Petitioners maintain that the extremely precarious situation in Chiapas mandates immediate action by the OAS, in order to prevent further violations of Mexico's obligations under the Declaration and the Convention and to prevent further loss of civilian lives. Under these circumstances, exhaustion of domestic remedies is manifestly impossible.

Relief Requested

The petitioners request the following:

A. That the Inter-American Commission on Human Rights request the government of Mexico to adopt preventive measures to preserve the life, personal integrity, liberty and all other rights of the residents of Chiapas, including civilians and combatants captured or who otherwise have laid down their arms or been placed hors de combat in consideration of the urgency of this matter and in order to avoid irreparable harm to these persons, pursuant to Article 29 of the Regulations of the Commission;

B. That the Inter-American Commission on Human Rights investigate the facts and circumstances of the above incidents in an in loco visit to Mexico pursuant to Art. 48(2) of the American Convention and Art. 44(2) of the Regulations of the Commission;

C. That the Inter-American Commission prepare a special report regarding the conditions of respect for human rights in Chiapas, as authorized by Art. 60 of the IACHR regulations;

D. That the Inter-American Commission on Human Rights submit this petition to the government of Mexico and request information regarding the allegations contained herein, in accordance with Art. 48 (1) (a) of the Convention, and request the government's promptest reply, in accordance with Art. 34 (2) of the IACHR Regulations;

E. That the Inter-American Commission on Human Rights condemn the violations committed by the armed forces in this case, and that it demand that the government take diligent and adequate measures to rectify these violations. Specifically, petitioner requests that access to areas of conflict be allowed by the Mexican government; that access for international humanitarian groups be allowed to jails and detention facilities housing captured guerrillas; that the government of Mexico facilitate the delivery of medical and food supplies to the affected areas. If

the government fails to effectuate such measures, that the IACHR adopt a resolution condemning the government, making it public in its next annual report, and that it transmit this case to the Inter-American Court on Human Rights for its consideration;

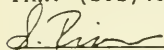
F. Whatever other measures this Commission might deem appropriate for providing redress to the victims of the government's wrongful acts.

January 27, 1994

Respectfully submitted,



WALLIE H. MASON
Anna Marie Gallagher
William C. Harrell
Alejandro Ponce Villacis
CENTER FOR HUMAN RIGHTS LEGAL ACTION/
CENTRO PARA LA ACCION LEGAL
EN DERECHOS HUMANOS
1601 Connecticut Avenue, N.W.
Suite 612
Washington, D.C. 20009
Tel.: (202) 265-8712
FAX: (202) 483-6730



SARA RIOS
Michael Ratner
Beth Stephens
José Luis Morín
CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th floor
New York, N.Y. 10012
Tel: (212) 614-6473

Of counsel:

Harold Hongju Koh
Ronald C. Slye
Lowenstein International Human Rights Clinic
127 Wall Street
New Haven, Conn. 06520

-and-

Deborah Anker
Harvard Immigration and Refugee Program
Harvard Law School
Cambridge, Ma. 02138

Rick Best
National Lawyers Guild
55 Avenue of the Americas
New York, N.Y. 10013

Peter Berkowitz
Central America Solidarity Association
1151 Massachusetts Ave.
Cambridge, Ma. 02138

Statement Submitted by Martin Edwin Andersen,
former member of the professional staff of the
U.S. Senate Committee on Foreign Relations,
to the Western Hemisphere Subcommittee of the
House Committee on Foreign Affairs
February 2, 1994

Mr. Chairman, once again you personally and the other members of the subcommittee are to be congratulated for your initiative and your responsiveness in the face of another grave tragedy involving the plight of indigenous peoples in our hemisphere.

Last year your efforts--particularly your convening a hearing last summer--on the plight of native peoples in Brazil helped to focus attention here and abroad on the shameful lack of action by that nation's government in carrying out its solemn commitments to the international community concerning the demarcation and protection of Indian lands.

Today we contemplate still another tragedy--a pre-announced tragedy that could have taken place almost anytime and almost anywhere in this hemisphere that there are native peoples living in the lands of their forefathers.

In our deliberations in this chamber, where indigenous rights will logically be placed in the context of the reality of Mexico today, in the context of the deep and often-difficult relations between that country and our own, of trade agreements made and of promises broken, I believe we should remember that the conditions that created the tragedy of Chiapas is not unique to Mexico; by focusing on the causes of resistance, rebellion and death in southern Mexico we find a commonality that sadly runs from the spine of the Andes to the Arctic circle.

I say this not to in any way exculpate the Mexican government for its treatment of native peoples. Rather, I hope that by focusing on what went wrong there--and by a frank admission by us that treatment of native peoples in the United States is often degrading to individuals and threatening to cultures--we may help to find solutions to the problems faced by the 35 to 40 million native people in this hemisphere.

I would also like to state for the record, Mr. Chairman, that I strongly supported the North American Free Trade Agreement (NAFTA). While the rebellion in Chiapas was in part linked to opposition to the accord, I believe that the overall conditions that pushed some indigenous peoples to take up arms against the Salinas de Gotari government are more complex and more universal than some mechanism and somewhat shallow press reports might suggest. The Chiapas revolt *does* suggest that future trade agreements must include explicit protections for native peoples.

I would also suggest, however, that approval of the trade agreement may have enabled a more sustained coverage of the situation in Chiapas by the international media. It also offers the Clinton Administration an unprecedented opportunity to work with Mexicans of all persuasions to attend not only to urgent issue of indigenous rights, but also to put these rights within the larger context of overall democratization.

Before I turn to the specifics of the Chiapas case, Mr. Chairman, I would like to make some general observations about the growing global movement for indigenous rights, as a way of helping this committee put the events in an outlying state in southern Mexico into the important context in which they form part.

Mr. Chairman, one of the greatest challenges of the post-Cold War era facing international policymakers is the need to solve the problems confronted by an estimated 300 million indigenous peoples around the world.

The indigenous agenda includes many of the most intriguing and urgent items that need to be addressed in the run-up to the 21st Century. These include the quest for broad and effective participation in newly emerging democracies; human rights; the growing recognition within the international scientific community of the contribution of tribal knowledge, particularly of plant resources, to the expansion of the frontiers of science and technology; issues of massive migration of peoples across international boundaries; demilitarization; environmental protection, and a new framework for decentralization of decision-making within nations, allowing for more effective local self-governance.

The future cost of the United States' failure to constructively join in the debate over indigenous peoples' economic and political rights will come in the form of a high price to the security of our hemisphere, and beyond. The indigenous revolution is here. Whether it is largely peaceful and beneficial to the 10 percent of the world's population made up of indigenous and tribal people, as well as the rest of humanity, or whether the future is opaque, consisting of an endless series of "low-intensity conflicts," has a lot to do with the actions of this committee, this Congress, and policymakers around this capital. A systematic effort needs to be made to encourage indigenous peoples living in fragile environments to conserve their resources by ensuring them resource rights (access to land, water and fuel), the ability to defend their land and resource base, and to help them meet their needs in a modern world without losing their time-honored resource management methods.

The United States should help to fortify the global march to democracy as well as the protection of our common natural inheritance by helping indigenous peoples to take meaningful and representative roles in their own governments. Advancing democracy, a primary U.S. policy goal, requires the effective empowerment of indigenous peoples so that they may have greater participation in the political system and greater control over their lives, lands and resources.

A useful tool, Mr. Chairman, will come into full effect in a few weeks with the release of the 1993 annual State Department country reports on human rights. In one of his last acts as a lawmaker, Sen. Alan Cranston, whom I had the pleasure of serving as a staff member of the Foreign Relations Committee, sponsored the so-called Cranston Amendment to the FY'93 Foreign Appropriations bill, which was signed into law by President Bush.

The Cranston amendment requires the report to "describe the extent to which indigenous peoples are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of the protection of their civil and political rights." The information contained in the 1993 report will help to guide and inform the policy debate that has to take place--now.

Despite the great deal of news coverage about events in Chiapas, I believe it is important to focus on several specific subjects regarding the situation there as a means of clarification and demystification.

First, I believe it is important to point out that reports of "surprise" on the part of the government concerning the attack needs to be clarified. While the Salinas administration had its own vested interests in proclaiming as fictitious reports last year of guerrilla activities to be myths, throughout 1993 the army was involved in rather classic, if brutal, counterinsurgency efforts in the mountains. This fact is clearly outlined in the very good report issued by the Minnesota Advocates for Human Rights.

Second, claims about the nature of the movement by the Salinas government necessarily have to be taken with a rather large grain of salt. Whatever plausible case can be made that the guerrillas had outside contacts and foreign supporters in their ranks, the causes of the revolt by the Zapatista Army are clearly Mexican in character and content. President Salinas' own special negotiator Manuel Camacho Solis has given lie to government claims that the Zapatistas were led by foreigners by describing the rebels as home-grown insurgents. His use of the term "army" when describing the insurgents also flies in the face of government claims that the guerrillas were a band of "lawbreakers."

Third, while the Zapatistas have stolen the headlines, most indigenous activism throughout the hemisphere has been non-violent, if not always peaceful. Similarly, I believe it is singularly unhelpful to use the Zapatistas' leftist rhetoric as the prism through which indigenous activism is evaluated. Indian issues are not, in the main, either "leftist" or "rightist," although some activists may be thus characterized. At the most fundamental level, the indigenous agenda is one of political and economic empowerment and of cultural sovereignty. Efforts to cast native demands in the left-right dichotomy of dominant society not only does a disservice to understanding; it frequently results in casualties among those who have little voice in their own labeling.

I would also like to take this opportunity to explore more fully the issues of civil-military relations and the administration of justice arising out of the Chiapas episode. Let me begin by making my own bias explicit: I think it would be a great tragedy for the New Year's Day revolt to be the pretext for greater outlays for military expenditures, or that indigenous activism become the new *raison d'être* for army involvement in internal security.

Mr. Chairman, in his State of the Union speech last week, President Clinton took a very tough stand on crime, a stand I applaud.

But I would like to draw your attention for a moment to one critical passage in the President's annual message. He said: "We must take serious steps to reduce violence and prevent crime, beginning with more police officers and more community policing. We know right now that police that work the streets, know the folks, have the respect of the neighborhood kids ... are more likely to prevent crime as well as catch criminals."

Compare that to the recent report of the Minnesota Advocates. Despite a constitutional prohibition of military involvement in Mexican domestic affairs, specifying that "in time of peace, no military authority may exercise any functions other than those precisely related to military discipline," the report--prepared before the revolt in Chiapas--noted "troubling ... signs of renewed involvement of the military in civilian affairs during the administration of President Carlos Salinas de Gortari. ... Another disturbing development is the deployment of the army among the indigenous populations of southern Mexico--especially in Chiapas--where long-simmering land conflicts have been aggravated by the government's agrarian policy. ... lawless practices of the Mexican military have become increasingly tolerated at the highest levels of the Mexican government. ... The growing acceptance of lawless military involvement in detentions and searches among civilian populations is a dangerous development." While a general interviewed by the group denied--against all evidence--that the military tortured suspects, he did make the remarkable observation: "How do you expect us to get people to confess if we don't use force?"

Widespread abuses predating an actual guerrilla outbreak are no surprise to those aware of the record of military forces carrying out internal security roles. In our own democracy, the clear distinction between national defense and internal security is enshrined in the principle of *posse comitatus*, which may be baldly stated as, "the police mirandize, the army vaporizes." Trained in the employment of a maximum use of force to destroy an "enemy," counting on forces who are largely alien to the community in which they are deployed, illegal practices such as those denounced by the Minnesota Advocates are almost to be expected. Obviously, the distance between Capitol Hill and the mountains surrounding San Cristobal de las Casas, Chiapas, is long, in miles and in time. But the lack of effective recourse to a functioning legal system, coupled with the employment of military force acting as a virtual occupation army, can be seen as nothing less than an open invitation to the disenfranchised and disaffected to join the Zapatista rebels, armed with potent slogans about land and justice.

According to many knowledgeable observers, the Salinas government has increasingly used the army to intervene in political and labor disputes, as well as as a major actor in the fight against narcotics trafficking. The Minnesota Advocates report notes that: "The militarization of the drug war is, in large measure, a result of the government's inability or unwillingness to pursue serious reform of the police," even as the army has itself been implicated in almost surreal episodes of narcotics-related misconduct, including the murder of law enforcement officers.

Meanwhile, in many precincts, anti-narcotics police have had to buy their own ammunition, even though most local police make a mere \$200 a month.

Mr. Chairman, throughout Latin America the absence of a unifying anti-communist ideology has sent militaries scrambling to define new threats to security as a means of holding onto budgets and prestige. Because the struggle for indigenous rights means a challenge to the status quo in countries where the slogan "*Haga patria, mate un indio*" (Be a patriot--kill an Indian) is still seen painted on barrio walls with disturbing frequency, the old U.S.-sponsored National Security Doctrine filters such protest through a distorting light.

Despite the fact that Mexico has one of the lowest per capita expenditures on its military in Latin America, the lack of an appropriate role and mission for its army is pushing the force to demand a greater say in major national decisions, the antechamber of militarism. This trend is exacerbated by the army's financial independence, a tradition dating back to the Revolution, and now, by the events in Chiapas. Whether it remains involved in counter-narcotics activities and providing welfare services--two missions that detract from an army's primary role of national defense--or shifts into an even more ambitious and more dangerous counterinsurgency role, the outlook for healthy civil-military relations is not bright, particularly if Mexico undergoes a period of effervescence that one might expect if real democracy is ushered in by last week's accord between the ruling PRI and the opposition.

Mr. Chairman, there are four specific issues raised by events in Chiapas that are broadly representative of the challenges facing indigenous peoples throughout the continent. These are: 1) the political empowerment of indigenous peoples; 2) the protection of their land rights; 3) indigenous rights and the administration of justice, and 4) forest management and the protection of indigenous cultures.

Political empowerment

Mr. Chairman, the United States cannot sit idly by as indigenous peoples fight, peacefully, throughout the hemisphere for their political rights and the protection of their lands and natural resources. After all, a primary U.S. foreign policy goal is the advancement of democracy. Bringing "marginalized" peoples (as the Mexican government refers to its Indian communities) into the democratic process is a key component for the consolidation of elected governments. Throughout Latin America, but most certainly in Guatemala, Ecuador, Peru and Bolivia, democratic participation cannot be limited to areas of relative privilege if the long-term prospects for democracy are to be secure. We must help ensure new and emerging democracies remain healthy by being fully representative.

Mr. Chairman, in Guatemala nearly 60 percent of the country's 10 million people are descendants of the ancient Mayas, yet there are only six indigenous members of Congress. In Ecuador there is a single Native American congressman. Of the 130 members of the Bolivian parliament, only three are indigenous, a fact ameliorated only partially by the fact that last year a recognized Native American leader, Victor Hugo Cardenas, was elected vice president.

The Clinton Administration should offer its support for meaningful dialogue between indigenous peoples and their governments, including the enhancement of local abilities to articulate appropriate political demands, throughout the hemisphere. An appropriate forum to express such concerns would be the upcoming Leaders Summit to take place here in Washington.

Protection of land rights

Indian homelands, in many cases the last remote forests, savannas and wetlands of Latin America, are facing a ruthless onslaught by lawless cattle ranchers, loggers and landless peasants. Experts say, and the experience of Chiapas appears to bear out, that securing legal protection for Indian lands is the greatest challenge faced by native peoples as they seek to preserve their own way of life, and the ecosystems that sustain them. In places such as Central America, where the population is expected to double within the next 25 years, the increasing shortage of what were once "frontier" lands means that commercial agricultural interests can only expand at the expense of native peoples and their control over territories in which they live. In Brazil, Ecuador, Bolivia and elsewhere, land issues are at the forefront of the indigenous agenda.

An important part of helping indigenous peoples protect their lands is to help provide them with the information and support needed to create accurate land-use maps, thus demolishing a racist myth that endures from the Spanish Colonial era: that the remaining forests, savannas and wetlands are "uninhabited," and therefore there for the taking.

One promising effort has been undertaken by native peoples in Honduras and in Panama, assisted by the non-governmental organization Native Lands. In both countries, Indians have escaped the invisibility myth by creating graphic, detailed records of their lands, including who lives there and how the land is used. By defending their territories by employing scientific maps and technical evaluations, native peoples can make credible cases for legalizing communal homelands, stanching the invasions of their lands by landless peasants and multinational companies, and resolving on more favorable terms the relationship between Indian homelands and national protected areas.

In Mexico, an estimated 70 percent of indigenous land is forest. The Sierra Madre Occidental in Chihuahua state is one of the richest biosystems in North America, with a stunning variety of plants and animals. Yet not only are the region's 50,000 Tarahumara Indians at risk, victims of an unholy alliance of large landowners and drug traffickers. Ineffective policing by the Mexican army has helped to make the sprawling state bordering the

United States a lawless cesspool of corruption.

With regards to the specific situation in Chiapas, I believe that the Salinas government should be urged in the strongest possible terms to appoint a blue-ribbon commission of independent experts to conduct a survey of land issues in the state, with an eye towards accomplishing there what native peoples in Honduras and Panama have been able to do to such good effect.

Administration of justice

The revolt in Chiapas has helped to focus attention on the need for new rules and new laws governing how countries treat their Indian nations and other indigeneous peoples. In countries as diverse as Guatemala, Nicaragua and Peru, Native Americans continue to be victims of military-run internal security forces and subjected to forced recruitment and violence by both military and insurgent groups. The lack of a representative legal system at the community level in turn means the denial to native peoples of the full protection of the law, while indigenous lands continue to be overrun, confiscated and/or threatened.

In many countries of Latin America, the police are still under the control of their nations' armed forces. Human rights advocates point out that it is necessary to strengthen civilian justice systems, including the police, at the local level in order to effectively confront abuses. Native American demands for legal protection through the creation and support of community and regional justice systems, including law enforcement, while representing the possibility of a dramatic shift in attitude towards respect for indigenous peoples, mirror the democratic experience of the United States itself, where law enforcement is overwhelmingly civilian and local.

The creation of and support for local administration of justice helps to ensure community empowerment on issues of vital concern, and is directly related to the questions of demilitarization and human rights. U.S. policy should highlight helping democratic parties from countries such as Nicaragua and Guatemala to demilitarize their internal security apparatus by civilianizing the police forces and to effectively place them at the service of the people they are supposed to protect.

Assistance offered by the Clinton administration should support local leaders and groups mobilized to promote Indian self-determination in police and administration of justice issues; provide indigenous community leaders a forum to compare their people's experiences with existing judicial institutions and law enforcement bodies, and offer Native American political leaders and legal experts an opportunity to exchange information with democratic development and law enforcement specialists to help them determine strategies for enhancing community control over the administration of justice.

Forest management and the protection of indigenous cultures

There is a growing recognition in Latin America of the need to foster a respect for the needs of indigenous peoples who use forests as the basis of their livelihood, social organization or cultural identity, and to recognize the importance that such groups and established local communities which depend on forest resources have an economic stake in sustainable forest use. Local community awareness of the effects of their actions on forests has to be strengthened, as well as the promotion of the compatibility of their actions with attainment of forest management objectives. In this regard, the international community can and should help indigenous peoples increase their capacity to protect their own lands and thus support sustainable resource use and the protection of the environment.

Among those policy considerations deserving of support and assistance: the recognition of indigenous peoples' and local community residents' rights, cultural identity and equal opportunity for full participation in their country's life, including the life of the forest; the exchange of information (with mutual protection of intellectual property rights) between external research and technology generation and locally developed technology and indigenous knowledge, as a means of more sustainably managing forest resources; and empowering indigenous peoples and residents of local communities to ensure their effective participation in planning and decision-making related to the life of the forest, utilizing--as much as possible--the help of local and international non-governmental organizations and the private sector.

These efforts should also include the defining and strengthening of the role, participation and stake of indigenous peoples in local, national and international economies, particularly in the sustainable harvest of both timber (including fuelwood) and non-timber forest products and services, and the facilitation and furthering the cultural, educational and economic self-sufficiency of indigenous peoples.

Chiapas, and beyond

Mr. Chairman, during the Bush Administration, the United States was seen as frankly unsympathetic to efforts by the United Nations to address the indigenous agenda. The Clinton Administration, too, needs to be pressed to give indigenous issues a higher priority. According to American participants, at the June 1993 human rights summit in Vienna, the United States delegation did not even have a position paper ready for discussion on indigenous rights, after womens' rights the hottest topic on the agenda.

The Clinton administration should clearly state that it is U.S. policy to assist indigenous peoples, particularly in new and emerging democracies and in nations in which native peoples are either a numerical majority or a significant minority of the population. The implementation of the Cranston Admendment should be closely monitored for possible improvement.

Where possible, native peoples must be included in sustainable development strategies, particularly those that would enhance the protection of rain forests or other environmental treasures. And important step in this direction would be for the State Department to promulgate the recommendations of the Forest Convention Secretariat concerning indigenous peoples and established local communities, a forwardlooking policy document that was approved internally by the Bush Administration but never given the status of an official document. The administration should also vigorously champion indigenous interests and concerns within the multilateral development banks and international trade organizations, such as the World Bank, the Inter-American Development Bank, and the International Timber Trade Organization.

Further, as a recent Congressional study commissioned by Senator Cranston on the impact of U.S. foreign assistance shows, although the Agency for International Development has done limited work in providing aid to indigenous peoples, much more needs to be done. American foreign aid efforts should reach out to meet the special needs of indigenous peoples, rather than hoping they benefit as rural peoples or as the poor. In particular, greater emphasis should be made on programs that facilitate indigenous institution building; economic empowerment; a strengthening of cultural identity; increased technical and professional training; the strengthening of legal rights, and greater policy dialogue with recipient countries.

Mr. Chairman, strategies for the inclusion of indigenous peoples into the modern world on their own terms are essential if the stated goals of U.S. foreign policy--the promotion of human rights and the consolidation of democracy--are to be made effective. At the end of the so-called American Century, our response to the challenges posed by the least represented and most imperiled 10 percent of our planet's population will weigh heavily on the future perception of us by ourselves and by our neighbors.

Thank you.

Statement of Representative Nancy Pelosi

Subcommittee on Western Hemisphere Affairs
Hearing on human rights in Chiapas, Mexico

February 2, 1994

Mr. Chairman: Thank you for holding this hearing on human rights in Chiapas and for providing the opportunity for Members to submit testimony for the record. Like a number of my colleagues, I am very concerned about reports of serious human rights violations committed by the government of Mexico's armed forces and the insurgents in the armed conflict in Chiapas. In response to these reports, I circulated a letter to a targetted group of our colleagues in early January, requesting that they cosign a letter to President Salinas of Mexico expressing concerns about events in Chiapas. I would like to submit a copy of our letter for the hearing record. Thank you.

Congress of the United States
House of Representatives
Washington, DC 20515
January 11, 1994

President Carlos Salinas de Gortari
National Palace
Mexico, D.F., Mexico

Dear Mr. President:

We are writing to express our concern over the armed conflict between Mexican security forces and the Zapatista National Liberation Army (EZLN) in the state of Chiapas. As supporters of the North American Free Trade Agreement (NAFTA) and advocates of a close partnership with Mexico, we are particularly concerned by reports of serious human rights violations that may have been committed by your government's forces and the insurgents.

While we are pleased to learn that you have authorized Dr. Jorge Madrazo, President of the National Human Rights Commission (CNDH), to travel to the region to investigate abuses, we are concerned that the CNDH has had mixed results in investigating army violations in the past. For this reason, we urge your government to take charge of a thorough and exhaustive investigation of the following cases and others. We also urge you to permit and facilitate investigations by the press, national and international human rights groups, and particularly the International Committee of the Red Cross (ICRC).

According to the information we have received from human rights organizations, the abuses described below have been committed in violation of the principles of international law which govern the conduct of all parties in a situation of internal armed conflict. Among the cases that have been reported are:

- * The deaths of fourteen Zapatista rebels, whose bodies were found near San Cristobal de las Casas with signs of having been executed as hors de combat;
- * The deaths of seven Zapatista rebels in Ocosingo whose bodies were found near the central market with signs of having been executed hors de combat. Journalists who examined the bodies reported that they showed signs of having had their hands tied together and shot execution-style with a bullet to the head;
- * The reported deaths of four adults and one child whose bodies were found on January 5 in a bullet-ridden van on a highway near San Cristobal de las Casas. Journalists in the area reported that soldiers stated that the driver of the van was armed and had attempted to run a roadblock.

- * The reported deaths of at least seven civilians allegedly killed by security forces on January 5 near Rancho del Carmen de Maria. The civilians were reportedly fleeing from the insurgents when a military aircraft strafed them, killing seven;
- * Indiscriminate aerial attacks which have caused displacement of civilians from hamlets south of San Cristobal de las Casas. According to information received from the area, the attacks occurred even though there was no rebel presence in the area, placing the lives and property of civilians at risk. Journalists were targets of an aerial attack, even though they were traveling in clearly identified press vehicles;
- * The death of a medic of the Mexican Red Cross and the wounding of another. The circumstances of this incident are still unclear and it is probable that the insurgents are responsible. It is a case that merits a thorough investigation as a violation of the fundamental principle of medical neutrality; and
- * The kidnapping by the insurgents of former Chiapas governor Abasalon Castellanos Dominguez and some of his family members, some of whom are still being held hostage.

Finally, we respectfully urge that you instruct your security forces to conduct ongoing counterinsurgency operations with caution and to restrict their activities to those permitted within the norms and principles of international and Mexican law.

Thank you for your attention to our concerns.

Sincerely,

Nancy Pelosi

NANCY PELOSI, N.C.

Howard Bernan

HOWARD BERNAN, N.C.

Tom Sawyer

TOM SAWYER, N.C.

George E. Brown

GEORGE BROWN, N.C.

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AGNES HASTINGS, M.C.

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DICK DURBIN, M.C.

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ESTEBAN TORRES, M.C.

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FLOYD FLANE, M.C.

Richard Lehman

RICHARD LEHMAN, M.C.

Frank Wolf

FRANK WOLF, M.C.

National Congress of American Indians

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STATEMENT OF RACHEL A. JOSEPH

INTERIM EXECUTIVE DIRECTOR

NATIONAL CONGRESS OF AMERICAN INDIANS ("NCAI")

TO THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

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A. Bruce Jones
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INTERIM EXECUTIVE DIRECTOR

Rachel A. Joseph
Shoshone-Paiute-Mono

Mr. Chairman and Members of the Subcommittee on Western Hemisphere

Affairs. My name is Rachel A. Joseph and I am Interim Executive Director of the National Congress of American Indians (NCAI). NCAI is the oldest and largest federation of Indian nations committed to the promotion of tribal governments and the protection of Indian rights. Our membership exceeds 162 Tribes. I would like to provide to the Subcommittee our perspective on the recent events in Chiapas, Mexico, including the conditions which led to the New Year's Day uprising, the treatment of indigenous peoples in Mexico and the human rights situation in Mexico.

Accompanied by another American Indian, representing the Indian Law Resource Center, I journeyed to Chiapas in the days immediately following the New Year's Day uprising to observe first hand the events as they unfolded and to urge the Mexican government to protect the human rights of the Maya peoples.

Our delegation was denied access to the areas of the most intense fighting for "security reasons." I was outraged by the fact that journalists, human rights observers, humanitarian organizations, and even area residents were denied

access.

Indian people are well aware of the tragedy that unfolds when armies are unleashed in their communities. Based upon conversations we had with local farmers, economic and social development groups, religious leaders, and members of the international press corps, we concluded that grave and potentially widespread human rights abuses had been committed by the Mexican armed forces. These abuses included arbitrary detention, torture, indiscriminate bombing and summary execution of area Indians. At the heart of the conflict in Chiapas is the denial of Indian peoples' most basic rights to land and resources, and to democratic self-government and the rule of law. In the words of an article appearing in The Economist (January 22, 1994) Mexican Indians are still "locked in a feudal culture."

As we enter the era of the North American Free Trade Agreement (NAFTA) and strive to achieve prosperity and growth we must bear in mind the abject poverty and deprivation of rights that most indigenous in Mexico endure. We must not permit our zeal for economic growth and development to overshadow our commitment to human rights.

Mr. Chairman, we look forward to working with this Subcommittee and the Congress in providing information and the Indian perspective to you in order to better evaluate the situation in Chiapas, and the human rights record involving indigenous peoples in the Americas.



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